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April 2004 \$3.95

*A publication of the University of Illinois at Springfield*

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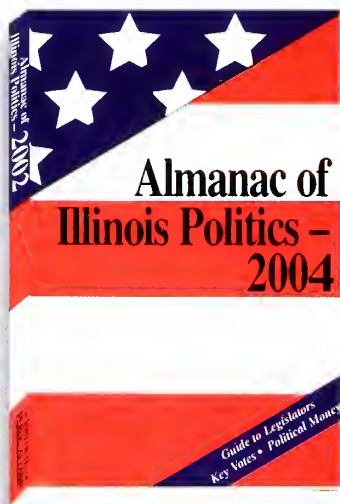
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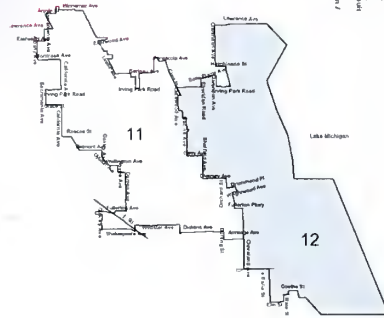
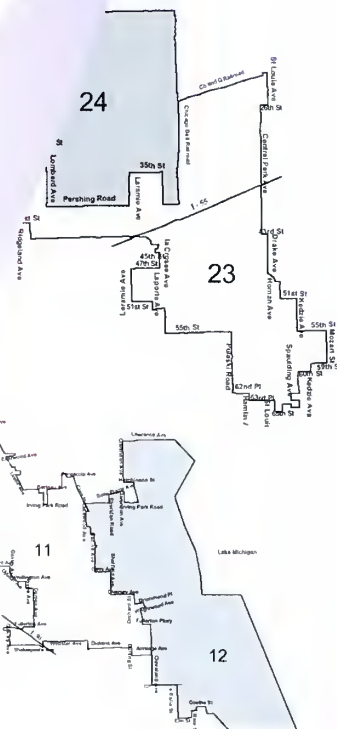
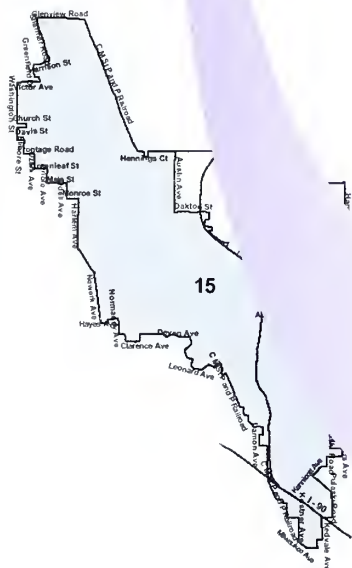
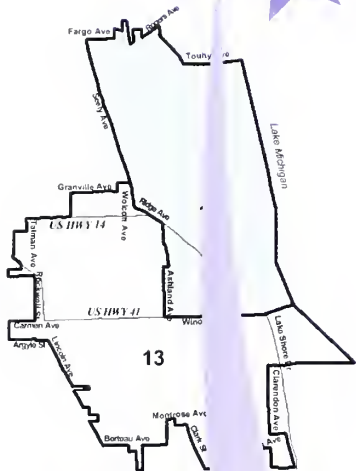
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*Peggy Boyer Long*



## Lawmakers will want to slip quietly past controversy this spring

by Peggy Boyer Long

**A** couple of months, give or take. That's all that's left on the calendar before lawmakers close business at the Capitol and head home to a summer of fish fries, county fairs and music fests.

guide. He became *Illinois Issues'* Statehouse bureau chief last month. Pat replaces Aaron Chambers, who now covers state government for the *Rockford Register-Star*.

We're fortunate to have Pat. He

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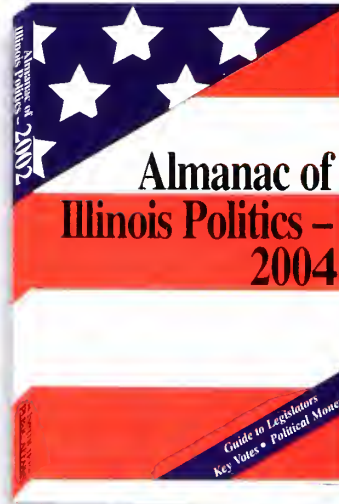
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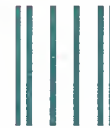
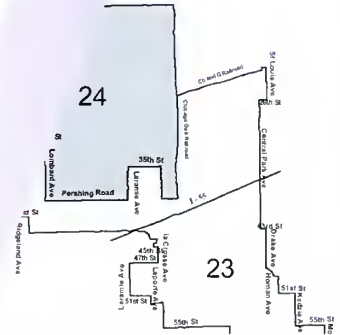
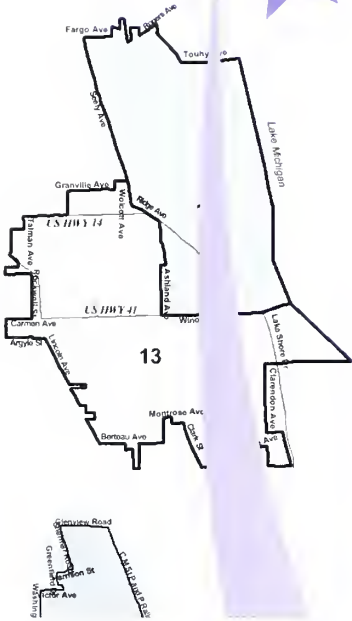
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*Peggy Boyer Long*



## Lawmakers will want to slip quietly past controversy this spring

by Peggy Boyer Long

A couple of months, give or take. That's all that's left on the calendar before lawmakers close business at the Capitol and head home to a summer of fish fries, county fairs and music fests.

For now, there's still plenty to chew on in Springfield. The governor wants control of education. Doctors want lower insurance bills. And local officials want better odds they'll win something in the casino sweepstakes. Yet it's likely lawmakers have their eyes fixed on November 2 as much as on May 21.

Between adjournment and the fall election, candidates for the General Assembly will go trolling for votes. And they'll use those hometown meet-and-greet festivities to exploit difficult votes taken in these next weeks by vulnerable, so-called targeted incumbents.

Given that, legislators from both parties will want to slip quietly past controversy this spring. As reporter Pat Guinane wrote in our February issue, this session is prime target hunting season.

As it happens, Pat will be our

guide. He became *Illinois Issues'* Statehouse bureau chief last month. Pat replaces Aaron Chambers, who now covers state government for the *Rockford Register-Star*.

We're fortunate to have Pat. He comes to us from the Capitol bureau of Lee Enterprises, which owns newspapers in the Quad Cities, Decatur and Carbondale. Last summer, he earned a master's degree through the Public Affairs Reporting program at the University of Illinois at Springfield. He earned his bachelor's from Eastern Illinois University in Charleston, where he was an editor of *The Daily Eastern News*. He put in reporting stints at *Oster Dow Jones Commodity News* in Chicago, the suburban *Tinley Park Star* and the *Beverly Review* in Chicago, near the neighborhood where he grew up on the city's Southwest Side.

As a Public Affairs Reporting intern last spring in Copley News Service's Statehouse bureau, he saw "up close and personal" the complex interplay of policy and politics.

Pat covered a proposal by clout-heavy SBC Communications to

allow that company to double the rates it charges competitors for leasing its phone lines. Despite well-organized opposition, the measure sped through the legislature in four days and flew across the governor's desk in a matter of hours. "You had to study on the fly as much as you could," he says.

Though a federal court in Chicago later blocked that provision, Pat says watching the measure go from bill to law so quickly offered a textbook example of how Illinois government really works and "who we sometimes have to help to get things done."

"I think it's our job to write about that. And try to show it for what it is. We can't take a side. We have to present the facts in a way that lets people connect the dots on their own."

And that's what makes covering Illinois politicians so interesting. "They're taking the public's money and acting with the public's trust. As a citizen, you might question why they're doing what they're doing. As a reporter, you get to delve more deeply into it. Of course, in this state that will often take you to the State



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Board of Elections' Web site and campaign contributions to figure out who might be helping whom."

Such an approach should put Pat in good stead in a session when the major policy issues — education, medical liability and gambling — will surely draw a horde of well-financed interest groups to the Capitol.

He'll be helped, and ably so, by the magazine's own Public Affairs Reporting intern, Bethany Carson.

Bethany, who grew up in Algonquin, graduated with a degree in journalism from the University of Illinois

at Urbana-Champaign. She spent a year as the managing editor of *The Chronicle*, a weekly newspaper in Hoopeston, before returning to graduate school.

Since she joined the magazine in January, Bethany has written about some of the more high-profile issues lawmakers face, including efforts to reform medical malpractice and to supplant the state's education agency.

On the last point, Gov. Rod Blagojevich wants to move school administration from the State Board of Education into a new department under his control. In this, he has support from the state's major teachers' unions.

Convincing legislators may not be so easy. Lawmakers from both sides of the political aisle seem leery of turning so much power over to a rookie governor whose leadership capabilities have not yet been fully tested. Credibility is especially critical to lawmakers when it comes to elementary and secondary education. School policy and finance affect every region of the state.

The Blagojevich Administration

already has developed a reputation for keeping a tight lid on details. And some lawmakers don't trust what details they do get. This was most evident in testimony during the Senate's unusual Committee of the Whole on the governor's plan.

And members of the Senate's Black Caucus are concerned the plan won't solve inequity in funding or help minority students.

These wrinkles might get smoothed out. But it's also likely the governor will have to settle for pieces of his plan then simply declare victory.

Full-fledged reform of the state's medical liability system is even less likely this year. It's clear there are problems: Every day lawmakers hear from more Illinois doctors who are leaving for other states where they'll pay less for malpractice insurance.

But as Bethany reports this month, three of the most

politically savvy interest groups — trial lawyers, doctors and insurance companies — stand at opposite ends of this highly partisan issue. Lawmakers may have to settle for slapping a temporary Band-Aid on this problem.

And here's the wild card: riverboat gambling. A lucrative auction of the state's available license has dollar signs dancing in politicians' heads. State law limits the market to 10 licenses. But lawmakers are murmuring about upping that to 11, even 12.

As Pat says, who knows what could happen at the end of the session when officials begin looking for ways to erase the state's \$1.7 billion deficit — and lawmakers begin looking for solutions that seem politically palatable. □

Peggy Boyer Long can be reached at [peggyboy@aol.com](mailto:peggyboy@aol.com).



**Pat Guinane**, Illinois Issues' new Statehouse bureau chief, joined the magazine last month.

# Illinois Issues

A publication of the University of Illinois at Springfield

April 2004

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Patrick J. Guinane



## Who knew riverboats would steer so much cash to the state?

by Pat Guinane

Originally cast as a lifeline for depressed Illinois river towns, casino gambling has outgrown its original economic development role to become a major source of revenue.

Separately, the state's nine casino licenses continue to provide employment and entertainment for individual communities. Together, they represent a lucrative industry state government relies upon to help fuel spending.

Last year, riverboat taxes brought the state \$670 million, an annual take exponentially higher than the \$40 million estimate Sen. Denny Jacobs put forth in 1989, shortly before the state approved 10 casino licenses. Jacobs, an East Moline Democrat, urged lawmakers to keep pace with Iowa, which was already planning to put floating casinos on the Mississippi. He pledged that an Illinois casino could make the Quad Cities "one of the tourism capitals of the world."

Fifteen years later, the Quad Cities haven't made travelers forget Paris, but Jacobs does credit Casino Rock Island for resuscitating the river town.

"Our downtown in Rock Island was dead," he says. "You didn't want to be down there after 9 o'clock at night, or 8 o'clock at night, depending on how dark it got. And now you can walk down there just about any time, day or night. Downtown has been revitalized

---

*With the state still mired in a weak economy, that influx is being counted on to help bridge a \$1.7 billion deficit. And this harsh reality has some lawmakers supporting a plan to expand gambling.*

because of that casino."

But who knew riverboats would steer so much cash to the state? In 1989, the optimistic side of Illinois Department of Revenue estimates promised \$16 million for state and local governments. The Riverboat Gambling Act, the state's gaming charter, pledged economic development and tourism promotion for the people of Illinois. It said nothing about generating hundreds of millions in tax dollars.

"The mission statement at the time was to help decaying river towns, who, because of the rust belt, had lost a good number of their manufacturing jobs, and to compete with the surrounding states," Jacobs says.

"That mission statement has long been surpassed by the amount of revenues and the amount of total employment that these casinos have given to the state of Illinois."

The philosophical shift is evident today, as the state looks to unload its dormant 10th casino license to the highest bidder. The transaction alone is being counted on for a windfall of cash — \$350 million is the number built into Gov. Rod Blagojevich's proposed fiscal year 2005 budget.

With the state still mired in a weak economy, that influx is being counted on to help bridge a \$1.7 billion deficit. And this harsh reality has some lawmakers supporting a plan to expand gambling, which they argue captures the synergy of economic development and increased state revenue that is now embodied in the Riverboat Gambling Act.

At the forefront is Senate President Emil Jones, a Chicago Democrat. His district reaches into the south suburbs, where high unemployment and low property values persist.

When the Illinois Gaming Board passed up south suburban bids for the 10th casino license in favor of more lucrative proposals, Jones threatened to reconstitute the board. Since then, he has thrown his support behind a casino bid for Waukegan, arguing the northeastern suburb was the only



finalist impoverished enough to meet the spirit of the state gaming charter.

In doing so, Jones in effect thumbed his nose at competing proposals for Rosemont and Des Plaines, though they promised to share local revenues with south suburban communities.

"It shows that he understands what was the intent of the original legislation," says Sen. Terry Link, a Vernon Hills Democrat, whose district includes Waukegan. Jones' endorsement also could predicate a strong push for one or two new casino licenses.

"I do support the concept of an 11th or 12th license, which would include the southern suburbs," Jones says. "We'll sit down. I'll get with the other leaders and see exactly how we will proceed along those lines."

While he would like to see the south suburbs reap the benefit of a new casino, Jones says he will not seek to simply hand the region a license. Another lucrative auction could be in order.

But, historically, the odds are against expansion. The state has yet to add to the original 10 licenses authorized 14 years ago. The 10th license has been dormant since 1999, when the General Assembly and Gov. George Ryan approved legislation allowing a floundering East Dubuque casino to transfer its license to Rosemont. Allegations that casino investors had ties to organized crime touched off a legal battle that only now appears to be approaching an end.

Despite the problems that have plagued the 10th license, lawmakers see promise in the prospect of gambling expansion.

"Schools all across the state of Illinois need revenue, particularly the southern suburbs," Jones says. "I think this could be a means through which you could raise revenue, taking pressure off the local school districts."

Last year, while increasing the taxes levied on the casinos, lawmakers also made a subtle revision to the Riverboat Gambling Act's mission statement. Along with tourism and economic development, gambling is now intended to benefit Illinoisans "by increasing the amount of revenues

available to the state to assist and support education."

So, when Jacobs and Rep. Lou Lang, gaming guru of the House, rolled out a massive gambling expansion package earlier this session, they pledged that any proceeds would go to education.

That sort of framing could be crucial for any push to add one or two new casino licenses.

"If anything is to be passed, it will be on a very small type of bill and it will have to show exactly what the financial benefits will be and it will have to also show where these financial gains will be directed towards," Link says. "I think we have to spell out exactly where this money's going to go to. I think that's what the governor would want."

**Most would argue** any gambling discussion must be predicated on what Gov. Blagojevich would want.

"We'd need a clear signal from the governor before I think you spend time advancing that type of issue," says Steve Brown, spokesman for Democratic House Speaker Michael Madigan. "I mean, you're not going to walk out on the plank and let somebody saw it off behind you on this or any other issue."

Last year, Blagojevich did not completely rule out gambling expansion until May, a schedule that irked lawmakers who worked on the plan. The governor has been noncommittal again, neither ruling out gambling expansion nor embracing the idea.

"As he said at the beginning of this legislative session, he's open to consider reasonable gaming recommendations from the General Assembly, but he's not open to using gambling expansion to justify new spending," says press aide Abby Ottenhoff. She would not specify whether increased support for education could be construed as new spending.

Blagojevich's budget proposal provides for a \$400 million increase in education funding. But the State Board of Education's plans would require \$609 million in new money. Increasing the state's general aid formula by \$250 per pupil, an adminis-

tration objective, would eat up nearly all of the \$400 million. Fully funding transportation, special education and other programs mandated by the state would cost at least \$128 million. Providing a book a year for every child younger than 6, encouraging physical fitness and a half-dozen other new initiatives being pushed by Blagojevich would require another \$33.6 million.

Adding two casinos could easily cover that shortfall. Under the proposal floated by Jacobs and Lang, a casino for the city of Chicago and another for the south suburbs would generate at least \$419 million in annual revenue for the state.

"I think most lawmakers would be willing to support something, but they don't want to be hanging out voting for something and he [Blagojevich] jumps up and votes against it," Jones says.

At the same time, if gambling legislation specifically prescribed financial assistance for state schools, the right amount of rhetoric could portray a vote against gambling expansion as a vote against education.

At the local level, new casinos could still carry out the economic development initiative outlined in the Riverboat Gambling Act. Jacobs and Lang say their plan would provide at least \$19 million a year in local revenues for beleaguered south suburban townships and school districts.

Even though it is an election year, Jones says that more gambling is a much more palatable way to raise revenue than higher taxes. Jacobs, the father of riverboat gambling in Illinois, argues it's time for the state to nurture the fledgling industry by expanding its scope.

"It's now all about money because we're already pregnant," Jacobs says.

"Now that you are pregnant, do you go do your prenatal and ensure that the baby's going to be the healthiest baby you can have, or do you just get pregnant and not do anything until you have the baby? That's not a very good way to go about childbirth or about maturing an industry that is still a little baby." □

*Pat Guinane can be reached at  
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# BRIEFLY

## Governor's budget plan would stunt ag research projects

**G**ov. Rod Blagojevich's proposal to cut an Illinois Department of Agriculture program threatens long-term university food and agricultural research.

Blagojevich cut \$5 million for one year, declaring a "holiday" from funding the 10-year-old legislative initiative, the Council on Food and Agricultural Research based at the University of Illinois at Urbana-Champaign.

But backers of the council want to convince lawmakers to continue funding at the current level, or at least enough to complete such ongoing research as a three-year study of the impact of farm chemicals and sediment on the state's water.

Alan Puzey, chairman of the volunteer board that oversees the council, says that initiative and other unfinished projects would require \$3.4 million. He says research can't take a holiday. "It's like shutting off the spigot to the fuel that runs the state's agricultural industry."

Other ongoing studies include investigations of food-borne illnesses and market opportunities for livestock.

"There is no other funding source for this research. It will just stop," says Kraig Wagenecht, C-FAR's executive administrator. Federal sources will not pick up ongoing projects aimed specifically at Illinois problems.

C-FAR, which is administered through the Illinois Department of Agriculture, was created by statute in 1995. Funding is divided among Illinois State, Western Illinois and Southern Illinois universities, with the largest percentage going to the University of Illinois.

The research council credits one five-year study on alternative farming and farm revitalization with creating 450 jobs in wineries, fish farms and specialized corn and soybean crops, and producing a \$154 million impact on the state economy.

Puzey says the council has made sacrifices. Its funding has been cut 67 percent, from \$15 million in fiscal year 2002 to \$4.9 million in fiscal year 2004.

But universities have other sources of money for research, says Becky Carroll, the governor's spokeswoman for the budget. "And if state government can today exist with 10,000 fewer employees, with 20 fewer state agencies and departments than it had just over a year ago, I think it would be a hard case to make that one group, whoever might be affected by grants, cannot live without these dollars for one year while we try to fight our way out of this fiscal crisis."

*Beverly Scobell*



*Photograph courtesy of the Illinois Stewardship Alliance*

## States consider privatizing higher ed

After three years of tight budgets, some states are considering severing ties with their public colleges and universities. (See *Illinois Issues*, November 2003, page 16.)

Last month, reporter Eric Kelderman wrote in the national online news service *Stateline.org* that "policy-makers and educators have begun eyeing changes in states' traditional support for higher education."

At least five states were considering proposals. Colorado and South Carolina, he reported, would privatize public higher education. The move is designed to free those states from rising costs and allow colleges and universities to set their own tuition rates. Three other states, Virginia, Washington and Wisconsin, are considering less-far-reaching proposals.

## QUOTABLE

“Even though I have problems with the governor's proposal — why should a senator like me who comes from a district where everyone is failing — why should we stick with the State Board of Education and not take a look at what the governor's trying to do, if you admit that you have failed?”

*Chicago Democratic state Sen. Rickey Hendon speaking to State School Superintendent Robert Schiller. He made the comment during that chamber's hearing on Gov. Rod Blagojevich's plan to put the State Board of Education's administrative responsibilities in a new education department under his authority.*

For more news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



# LEGI CHECKLIST

Illinois lawmakers have about two months to complete their spring business. Here are some highlights of the action so far.

## **School reform**

Gov. Rod Blagojevich defended his proposed K-12 education takeover before the entire Senate in a rare Committee of the Whole. Senators leveled questions and criticisms at his plan to supplant the State Board of Education with a Cabinet-level Department of Education. They argued the shift would not address the larger issue of education funding and would put the actions of an \$8 billion agency behind closed doors.

Critics also contend the shift would erode local control. That assertion surfaced in a *Chicago Tribune* poll in which 53 percent of respondents said the state board should remain as is. Support for the governor's proposal sank four points after participants were briefed on Blagojevich's plan to save money by consolidating school districts' purchasing and health insurance.

The proposal hit another roadblock when the Illinois Senate Black Caucus came out against the plan, arguing it fails to address inequity in school funding and low test scores among minority students.

Supporters touted improvements seen in the Chicago Public Schools since 1995, when the state ceded control of that system to Mayor Richard Daley. The mayor supports the governor's plan.

The proposed Department of Education would be established in July 2005 under legislation sponsored by Sen. Vince Demuzio, a Carlinville Democrat.

## **Sex offenders**

Attorney General Lisa Madigan wants tighter oversight of sexual predators. All sex offenders convicted of killing a child would have to keep their contact information current with the Illinois State Police. That requirement now applies only to murders committed prior to June 1996. The measure also requires offenders to notify the state 10 days before — rather than 10 days after — they move, so police can warn communities.

Chicago Democratic Rep. Patricia Bailey is the sponsor.

## **Fee rollbacks**

Trucking companies that paid higher licensing fees and "rolling stock" taxes this year will be closer to getting their money back from the state if Rep. Careen Gordon's measure gets through the Senate.

The measure, already approved by the House, would restore tax exemptions eliminated last year and roll back the state's 36 percent hike in licensing fees. Gordon, a Coal City Democrat, estimates the refunds could cost the state \$140 million.

Democrats sponsored the proposal last year to tax trucking and rail companies that transport more than half their stock across state lines.

## **Overtime regulations**

Democrats want the state to opt out of new federal overtime regulations. While expanding overtime protections to more low-income workers, the new rules also are expected to strip overtime pay from middle-class workers, especially nurses and other white-collar professionals.

At the behest of state Comptroller Dan Hynes, Rep. Brandon Phelps, a Norris City Democrat, is sponsoring legislation that would largely keep the state's current overtime rules in place. The measure failed on an initial vote in the House after critics on both sides of the aisle argued the proposal was designed to boost the U.S. Senate campaign of Hynes, a Chicago Democrat.

## **Gun control**

Two measures aimed at protecting people who use handguns in self-defense, even in towns that ban handgun, are moving through the House and Senate. Committees in both chambers have approved the proposals so the full chambers can consider them.

Sen. Ed Petka, a Plainfield Republican, and Rep. John Bradley, a Marion Democrat, are sponsoring the measures in their respective chambers.

## **Road funds**

Senators are trying to prohibit the state from transferring dollars out of funds for roads and construction to pay state operating costs.

Sen. Patrick Welch, a Peru Democrat, is the sponsor.

## **Morning after**

Pharmacists would be able to sell emergency contraception over the counter without parental consent to women as young as 12, under a measure in the House.

Rep. Sara Feigenholtz, a Chicago Democrat, wants pharmacists to hand out fact sheets with Plan B, Preven, or the "morning-after" pill, which has a 75 percent to 85 percent chance of preventing pregnancy.

The federal government also is debating the issue. The Food and Drug Administration recommended Congress approve over-the-counter sales of Plan B, but critics argue it can lead to abortion.

## **Tollway reform**

An effort to reform the Illinois State Toll Highway Authority is moving through the House again. Last year, both chambers approved a measure requiring the governor to appoint an inspector general for the authority and force the agency to get legislative approval of its budget and borrowing plans every two years. Gov. Rod Blagojevich vetoed the section that required the authority to use concrete masonry bricks when building sound barriers. The Senate approved the revision, but time ran out during the fall session before the House could consider it.

## **Meth sentences**

A measure authorizing criminal charges for anyone who causes a fire while making the illegal drug methamphetamine was approved by the House and is making its way through the Senate.

Meth is a fiercely addictive stimulant made from common household chemicals and over-the-counter medication. Rep. Lisa Dugan, a Bradley Democrat, is the sponsor.

## **Property assessments**

Assessments couldn't go up more than 7 percent under a measure pushed by Chicago lawmakers. The House approved the plan, which is intended to help people on fixed incomes. The proposal doesn't guarantee lower property taxes, however, because property tax rates are determined by the local governments' spending needs, not assessments.

Bethany Carson



## Security shuffle

If Gov. Blagojevich gets his way, the James R. Thompson Center, where he keeps his office in Chicago, will no longer have a separate police agency. Nor will there be a state law enforcement agency focusing on the trucking industry. But as many as 400 more Illinois State Police troopers may be dispatched to highways across Illinois in coming years.

In his budget address for fiscal year 2005, Blagojevich said he wants to eliminate the police units at the state Department of Central Management Services and the Illinois Commerce Commission. Sworn officers from those agencies would be transferred to the Illinois State Police, allowing that agency to put more officers on streets and highways.

A merger is one of several steps the governor wants to take to ensure that 400 more troopers are in place by the end of 2008. Others include eliminating administrative positions deemed unnecessary, offering a limited early retirement and hiring more troopers from two new cadet classes. State officials hope about 80 state police officials will accept early retirement, says state police spokesman Lincoln Hampton.

The commerce commission police were budgeted for \$1 million during the 2004 fiscal year, less than 2 percent of the commission's total budget. The central management services police, meanwhile, had a slightly larger budget of \$1.8 million. Funds will be transferred to the state police to accommodate this move.

Central management services police are most visible as the law enforcement agency with jurisdiction over the Thompson Center, though their officers also patrol the University of Illinois Medical Center complex on the city's Near West Side. It has 28 sworn officers.

The commerce commission police force is even smaller, consisting of only 11 sworn officers whose duties are limited to inspecting trucking companies that operate in Illinois to ensure they have required licenses and insurance. The Illinois State Police already handle some on-road truck inspections.

The governor contends the savings could be used to purchase new patrol cars to replace high-mileage and old vehicles.

Greg Tejeda  
Tinley Park journalist

## From farmland to backwater lakes and marshes

The largest floodplain restoration outside the Florida Everglades is taking place in Illinois. The last crop has been planted on land separated from the Illinois River by levees and pumped dry for the past 80 years.

Sometime in the next year, The Nature Conservancy, the nonprofit group that owns most of the land that once encompassed several backwater lakes and marshes above Havana in Mason County, will shut off the pumps and water will return to the 7,000-acre area called Emiquon, which includes two historical lakes, Flag and Thompson.

"Some of the best scientists in the world will be looking at what can and can't be done," says Mike Lemke, associate professor of biology at the University of Illinois at Springfield, who will coordinate education programs at a planned education and research center.

The project, which includes state and federal agencies, universities and private organizations, will provide the opportunity to observe and record the biological changes that occur as farmland returns to wetland, and upland and lowland habitats are again connected. Lemke says Emiquon will advance the science of restoration and provide lessons for other states about what practices work for re-establishing similar areas on other large rivers, including the Mississippi, the Missouri and parts of the Ohio.

The Nature Conservancy will retain stewardship of the land and oversee removing 75 years of cement, fences and buildings, infrastructure left from farming river bottom land, says Doug Blodgett, the conservancy's Illinois River Project director. One of the buildings will be moved to higher ground to be used as the university's Emiquon floodplain education and research center.

In addition to biologists and ecologists, the center also will house visiting experts in anthropology, archaeology and history. The Illinois State Museum, through its Dixon Mounds site, will coordinate the cultural study at the center. The historical park is nearby and offers insight into 12,000 years of human communities that lived off the abundant wildlife of the floodplain.

A smaller restoration downstream at Spunky Bottoms saw wetland plants, grown from seed dormant in the ground for eight decades, return within a year, along with the wildlife dependent on them. The conservancy calls the Illinois River a "last great place." It is one of only three rivers in the country where the floodplain has a chance of recovery.

Beverley Scobell

Photograph courtesy of Mike Lemke, University of Illinois at Springfield  
Illustration courtesy of the Illinois Natural History Survey



Land farmed for 80 years could soon resemble this plant-rich wetland at Spunky Bottoms in Brown County, 50 miles downriver from Havana. The insert map shows the backwater lakes in 1911.

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## Open space advocates don't want a "holiday"

The state park district association and environmental groups have formed a coalition to lobby against Gov. Rod Blagojevich's proposal for a one-year hiatus on the state's open land acquisition program. The governor estimates the "holiday" in spending on that program would save the state \$34 million in the fiscal year that begins July 1. But critics argue the cost would be higher.

"What the governor proposes as a holiday, we fear may become a permanent vacation. And it is very difficult for communities to plan for the long-term when they can't predict with any certainty whether the money will be there from year to year," says Peter Murphy, general counsel of the Illinois Association of Park Districts.

Murphy's organization is joined by the Forest Preserve District of DuPage County, the Sierra Club of Illinois, The Nature Conservancy and other environmental groups in the lobbying effort. The loudest protests have come from Chicago and the collar counties, where a 2002 poll for the park district association found that more than half of the respondents considered open space to be the most important issue facing their communities. Murphy argues that in many areas, especially in northeastern Illinois, time is running out to acquire open space in the face of rapid development.

More than \$190 million has been awarded since the fund's inception, which leveraged more than \$580 million in local tax dollars and private donations. The program has helped procure more than 8,500 acres of land, and grant money has been distributed in 94 of Illinois' 102 counties. Yet Illinois ranks 48 out of 50 states in the amount of open space per capita.

By statute, 35 percent of the state's real estate transfer tax goes to the open land acquisition program. Because the program is funded statutorily, it may have been less vulnerable to this kind of budgetary preemption in the past. Two years ago an attack on the fund was fought off by a consortium of conservation groups, including the Illinois Association of Park Districts and the Openlands Project.

*Joseph Andrew Carrier*

## Illinois joins states in standards for ESL

The increasing population of students who speak English as a second language will learn English the same way throughout Illinois as a result of the State Board of Education's new standards.

The board is working with seven other states and the District of Columbia to provide common teaching materials. Students also will take a new test to figure out how well they are grasping the language year to year.

The tests they previously took weren't connected to statewide standards, nor were school districts held accountable for children's growth in English, says Karen Mulattieri, the board's division administrator for English Language Learning. The federal No Child Left Behind Act holds schools "accountable" by requiring districts to report test scores. Also, the state board has to analyze the data and notify the school districts where they need to improve.

The new standards exceed the No Child Left Behind requirements, she says. Teachers will receive sample lessons, and administrators will receive guidelines for record keeping.

Students will build language skills in listening, speaking, writing and reading in each subject: reading, math, writing, science and social science. They will be evaluated at five stages, from entering the program to bridging into mainstream classrooms.

Each of the participating states must submit a plan for approval by the U.S. Department of Education. The seven other states are Arkansas, Delaware, Maine, New Hampshire, Rhode Island, Vermont and Wisconsin.

The Wisconsin-based organization is working with the Washington, D.C.-based Center for Applied Linguistics and the University of Illinois to develop a test for kindergarten through 12th grade.

Parts of the program already are in place in Illinois. And the board has already established scores the school districts must meet next year, Mulattieri says. "It's all about comparing students against themselves over time." Along with the new test will come new goals, which will most likely be implemented in spring 2005, she says.

*Bethany Carson*

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## New state lab verifies seeds' genetic makeup

The state laboratory that ensures the labels on agricultural product containers match their contents has expanded and can now detect genetically modified seed in a matter of hours.

The Agricultural Products Inspection Bureau at the Illinois Department of Agriculture in Springfield has added a Trait Lab to verify the genetic makeup of seeds, mostly corn and soybeans. That's important for farmers growing seed organically or those wanting a premium for nonmodified seeds exported to other countries.

"The industry is moving toward biotech varieties," says Jeff Squibb, spokesman for the department. The lab is a first step in the state's attempt to protect markets for Illinois farmers by developing a system of segregating traditional and biotech seeds. The department intends to develop separation systems to assure genetically engineered seeds have not commingled with conventional seeds.

That means monitoring the harvested product from field to customer, including equipment, storage bins, barges and trucks. Illinois grain exports brought more than \$2 billion to the state in 2002, amounting to more than 40 percent of the corn and soybean crop.

Thirty-nine countries have placed restrictions on genetically altered crops, and recent reports reflect

growing concern in this country about crossover and commingling of genetically engineered seed with conventional seed.

According to the U.S. Department of Agriculture, 77 percent of Illinois soybeans, or 7.9 million acres, are planted in seeds genetically altered to resist disease, pests or herbicide, as are 28 percent, or 3.1 million acres, of corn. Jim Larkin, manager of the state inspection bureau, says since 2000, 21 of 469 samples, mostly soybeans, tested positive for GMO contamination.

To test for genetic purity, the Trait Lab will use a method known as ELISA, which is shorthand for enzyme-linked immunosorbent assay. The test is a rapid immunochemical process. An enzyme detects an antibody that binds to inserted genetic material and causes a biochemical reaction. The lab can produce results in less than 48 hours compared to a week or more by conventional methods of germination.

Larkin says the quicker test helps with the workload. The bureau has 31 employees, down from 41 because of recent retirements. Its 11 field inspectors monitor the seed supply statewide, as well as feed and fertilizer products, but it also provides testing on a fee-for-service basis for farmers and seed companies. *Beverley Scobell*

## UPDATES

- U.S. Rep. Howard McKeon, a California Republican, will end for now his push to impose sanctions on the nation's public universities that increase tuition above a certain level (see *Illinois Issues*, November 2003, page 16).

- The European Union boosted tariffs on some imports March 1 to offset a corporate tax break favorable to U.S. exporters (see February, page 18).

- Citing health care costs and a potential work stoppage by the Independent Steelworkers Alliance, the parent company of Keystone Steel & Wire in Bartonville filed in U.S. Bankruptcy Court (see February, page 14; and September, 2002, page 31).

- Quarantines designed to rid Illinois of the tree-killing Asian longhorned beetle were lifted last month in Addison and Summit, leaving only five quarantine zones in the state (see June 1999, page 31).

- The Union of Concerned Scientists found contamination of traditional corn, soybean and canola seeds by genetically modified seeds (see November 2001, page 24; October 1999, page 12; and September 1999, page 12).

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# Deadly migration

by Anne Keegan

**Chicago police are cracking down on drugs and murder. So gangs are following the dollar signs to suburbs and small towns**

Photographs by Michael Fryer

Courtesy of the Chicago Police Department



*Chicago police are implementing aggressive procedures, making it uncomfortable for gangs to operate.*

*"We are seeing a gang migration out of Chicago. The vast majority of it is heading south, some west. Black gangs, Hispanic gangs, some whites. It started three years ago when a number of big gang leaders wanted to get out from the watchful eye of the Chicago police. So they moved out to places where nobody knew who they were and the police departments were small and ill-equipped. They figured they could get away with more out there without being caught."*

Michael Smith, deputy chief of special prosecutions,  
Cook County state's attorney's office

*"Everyone I talk to is looking for a small town. The small towns don't know the tricks yet. In Chicago these days you got one good year, maybe, when you can buy yourself a Corvette and a motorcycle. One good summer selling drugs, then the police close the spot down, close the whole neighborhood down, and for one good summer you catch 30 years on a drug conspiracy. Chicago ain't playing games no more. In a small town you can play games forever."*

"DRE," former Chicago gang member, now living in Indiana

Well, things are starting to change in Chicago. And as they change there, an awful lot of other places are going to be affected. Cities miles down the interstate, suburbs just across the city line, towns, little and big, near and sometimes far, are going to have to face this fact.

There is a migration, subtle but real. And it's becoming noticeable. The notorious Chicago street gangs are heading out to newer and, in many cases, more naive pastures. "Like the old-time gypsies," says one Chicago street cop, "when it gets too hot, they move away from the heat and out of town." The migration is discernible, not just to Chicago police, but to destination towns that are starting to become concerned about this influx of outsiders with big city ways.

The reasons for the movement are complex, for it isn't limited to Illinois; it's happening nationwide. Chicago, however, has lost patience with the organized crime that has evolved as gangs become more sophisticated and network out to suburbs and rural areas, which enables them to profit from America's insatiable appetite for illegal drugs. Chicago simply wants them gone.



Chicago's straight-talking new chief of patrol, James Maurer, has 10,000 troops under his command who are enforcing his warning: We'll make it so unprofitable for you to operate a dope spot on the street in this city that you will have no choice but to move to Iowa.

"We have the worst gang problem in the country," Maurer says. "But the message is out. Their heyday is over. We are going to close down their street operations and give them no choice but to stay out of business or move somewhere else. We're going to make it so hard for them to sell drugs here that it will be like trying to open a candy shop on a diabetic ward."

This time, Chicagoans are starting to believe it. The newly appointed Chicago police superintendent, Philip Cline, has begun implementing many new aggressive procedures, which are making it more than uncomfortable for Chicago's deeply embedded street gangs to continue to wreak havoc in that city's neighborhoods.

Between 60 percent and 70 percent of the murders in Chicago are attributed to gangs. Their presence has caused the city to become, among other things, America's murder capital. That status had not made Mayor Richard Daley at all happy. He wants that changed and the problem fixed now. But it's not so easy. Gangs, drugs and guns are inextricably intertwined, and have been for years. More guns were confiscated in Chicago last year — over 10,000 — than any other city in America.

"You can't talk about a gang problem without talking about the narcotic problem. You can't talk about the narcotic problem without talking about the gun problem," says Michael Smith, deputy chief of special prosecutions in the Cook County state's attorney's office. "You can't peel one off from the other. And the result of all three is violence and death."

"Gangs aren't just a bunch of teenagers hanging out on the corner anymore," says Commander Mike Cronin of Chicago's gang intelligence unit. "They are not street gangs anymore. They are a business. In the



*Commander Mike Cronin, head of the gang intelligence unit, says in the 30 years he's been on the streets, gangs have evolved into big business.*

30 years that I have been on the street, they've gone from gang banging and shooting at each other to selling dope and turning it into big business.

"Gangs aren't about gang colors anymore like they used to be. They are all about one color — green — the color of money. Street gangs have become dope crews. Gangs are beyond graffiti."

Gang leaders no longer boast they are gang leaders or admit to gang affiliations, says Cronin. They don't wear hats cocked to one side or jewelry hanging off their necks. "They want to be anonymous. That's why they started moving out, where nobody knows them or what they are doing.

"They don't drive flamboyant cars. Instead, they often rent them. They buy nice houses whose lawns are mowed. They look like a working guy and don't want to attract attention. When they move out to the suburbs, or a smaller town, they aren't touching the drugs themselves that much, so it's hard to catch them.

"There's a guy named 'Psycho' who runs a street [drug] operation in Chicago, but he's out in one of the Iowa towns. The police there know all about him. He has a \$250,000 home, but they can't catch him doing

anything illegal out there. He still comes here to Chicago, don't get me wrong, and he's still a leader with the New Breeds selling narcotics. The narcotics unit just shut down one of his spots for the second time but didn't get him. He's one of many like that."

Gangs have evolved over decades from social to corporate, says John Firman, director of research for the International Association of Chiefs of Police in Washington, D.C. "In the major cities, where there have traditionally been gangs, the police have gang units and [have] learned more and developed some savvy, so the logical question for the gang leader is, 'Where can I go and get out of the spotlight?' Especially when you have a big brawny police force after you. They move to the smaller town. The problem is there are 14,000 police departments in America with less than 24 officers. They are scraping for resources. How are they going to deal with the gang problem?"

"What is going to hurt gangs eventually is the Homeland Security technology developed because of the need for intelligence sharing among agencies. Well, that intelligence sharing doesn't have to be limited to terrorists, it can include gangs. Big police agencies will be able to web in





Commander Mike Cronin

*Looking at a map of Illinois, with stars to mark the existence of a gang of some kind, there is nary a county that is not part of the galaxy — a vast Milky Way, whose great center is Chicago.*

[link to] the little ones with information. But, if I am a small town officer and I'm not watching out on my beat, then the gang problem is going to sneak up on me, web or not."

DuPage County Assistant State's Attorney Paul Marchese says, "As long as I have been here — and that is seven years — the majority of the gang members came from Chicago."

"This gang migration is across the collar counties around Chicago, and it has grown," says Marchese, who heads that county's gang prosecution unit. "For them, there is less emphasis on territory and more on making money."

Looking at a map of Illinois, with stars to mark the existence of a gang of some kind, there is nary a county that is not part of the galaxy — a vast Milky Way, whose great center is Chicago, with rogue offshoots trailing all the way down to the Ohio River.

A 2003 study conducted by the Gang Crime Prevention Center out of the office of the Illinois attorney general queried more than 1,000 police officers statewide in 290 jurisdictions, and the majority of the individual officers and their agencies reported gang migration in their districts. In one phase of the study, 86 percent

of the agencies reported migration into their gang population.

The study found that gangs are a major presence in communities throughout Illinois. Respondents from 222 law enforcement agencies reported an average of five gangs and 67 gang members in their jurisdictions. The number of gangs in individual jurisdictions ranged from none to 80, and the number of members per gang ranged from none to 3,445.

Respondents to the study agreed on three reasons for migrations into local gangs: 83 percent of the agencies cited family moving into the area; 69 percent stated the reason was to be near family or friends; 37 percent credited an expanding drug market.

"Therefore," the report stated, "the primary reasons for individuals to migrate to gangs are for non-gang related reasons. For the most part, gang members move for the same reasons that non-gang members move."

Gang experts in Chicago might agree in part with that conclusion, but they have a different perspective. "Of course, when they go, they have to have somewhere to go," says Commander Cronin. "They don't just throw a dart at the map and head out. They know somebody there. A girlfriend, a cousin, a friend they met in the penitentiary. When they are from Chicago, they commute back and forth — Minneapolis, Des Moines, Indianapolis and back to Chicago."

Commander Wayne Wiberg, who headed Chicago's narcotics unit, says, "We can see some of them going, but they are not going away, like disappearing, just moving."

"I've talked to some officers from the towns outside Chicago and they hate us because they say we're sending them these guys, and I respond, 'Believe me. I'd like to send you more,'" says Wiberg, who now works in the police academy. "They get these gang members out of Chicago and all of a sudden they have a drug problem. Not just people living there who are using drugs, but people living there that are selling."

Officer Bruce Malkin is with a five-man unit that works gangs in West Chicago, a DuPage County suburb.

He is seeing a large migration of Hispanic gangs into the Midwest from California. West Chicago, population 25,000, has had five murders in the last three years and four out of the five were gang-related. His unit, which is large for a small force, was approved by citizen referendum to deal with escalating gang violence.

"The key to comprehending what is happening with the gangs is street intelligence," he says. "You have to know what to look for in order to find it. A lot of these gangs now are not overt in the way they act."

There are several reasons why some gang leaders and lower-echelon gang members are migrating out of the inner city of Chicago. One reason is the systematic tearing down of the high-rise public housing projects whose dank hallways and empty apartments became rat warrens and hideaways for the gangs. They served not only as incubators of gang crime but as recruitment centers for the very young, and often were as impenetrable to law enforcement as a moated medieval castle with its drawbridge raised.

The second reason is the massive gentrification of the city that has spilled out to Chicago's notorious West Side. Though small in geographic size, the West Side and surrounding neighborhoods are responsible annually for 1 percent of all murders in the free world, says Maurer. On its eastern rim, where broken skeletons of houses and sagging two flats once lined the streets, new condominiums have sprouted by the hundreds. Yuppies have replaced the poor. Briefcase-carrying whites now stand on corners where thugs used to hang. The gangs have moved somewhere, perhaps only blocks away, for the West Side's Fillmore Police District is still considered one of the most dangerous sections of real estate in America. Where all these thousands and thousands of displaced or migrating people have gone, nobody is sure. There is no census for gang members.

Then there are the moves that the new police superintendent is making. Cline reactivated a gang intelligence unit and promoted to its head a

veteran of the street and an old hand with gangs, Mike Cronin, who, when he stops a young gang member on the street, often had locked up his father, arrested his grandfather and may have known his grandmother when she was selling marijuana out of a candy store. What Cronin is looking for is intelligence on drugs, guns and, most important, murder.

Cline has taken the 25 district tactical units — which he says “are the young hard chargers” who often had been used for frivolous details such as parades — and now sends them as a concentrated battalion to problem areas. He has ordered the top brass — all commanders — to be out on the street Friday and/or Saturday nights when gang violence has its highest potential so that they can see for themselves what is going on rather than just reading a report about it while sitting at a desk on Monday morning.

Every three weeks, he starts a street corner conspiracy case on a drug spot using undercover body wires and videotaping equipment. Once the corner operation is raided and shut down, it stays down. Cline puts blinking “blue light” cameras on a pole on the corner and a squad that sits there watching. And to cover these closed-down drug spots and others still in operation, Cline has ordered 1,000 desk-bound officers to spend some time on the street. Once every five weeks for one week, they rotate out on the street and sit on drug spots, in uniform, in a marked car. It puts a serious damper on business.

Flashing blue lights with revolving cameras have been installed on the main West Side thoroughfares where gangs have traditionally gathered, and occasionally rioted. On a Saturday night, and a warm one for February, there was no one hanging around or loitering, even near the eerily blinking blue lights. Big brother, the police, or somebody was watching.

Things are indeed starting to change in Chicago. And what happens there, in the city with the greatest gang violence problem in America, could have repercussions throughout the state and beyond.

As “Dre,” a former Chicago gang



*Chicago's West Side, known as the Fillmore District to police, is still one of the most dangerous sections of real estate in America.*

member says, “They moving out to make more money cause you don’t get caught. Besides, you might be a punk in Chicago, but you’re a chief in a small town.”

“There is a need for a national gang strategy,” says prosecutor Smith. “This could become an epidemic because there are no borders for gangs, and it’s not just a problem of big cities like

Chicago anymore. Big city police departments are experienced, the smaller ones aren’t. The answer to how to deal with this problem is as complex as the problem itself.” □

*Anne Keegan is a Chicago writer who was a Chicago Tribune reporter for more than 25 years. She is currently writing On the Street Doing Life, a book about police and gangs on Chicago's West Side.*

## The gangster next door

**I**n the big cities, gangs were rooted in race and ethnicity. That’s not so true as they spread into smaller communities, where housing is cheaper and there’s less competition in the drug trade.

Profit is the loyalty migrating gangs hold true.

So the first signs of gang presence — the graffiti on the notebooks and school lockers, kids dressing gangsta style in baggy sports team and hip-hop designer clothing — could be nothing more than the play of wannabes. But the logical progression of true gang incursion is unmistakable: the sale of crack cocaine and smokable heroin and, finally, driveby shootings. “It is chic and popular to be a gang member for these younger kids until the bullets start flying,” says Master Sgt. Mike Bernardine of the state police.

No community is immune. Today, there are 72 recognized street gangs operating in Illinois. Most are contingents of the major coalitions formed in the 1980s — the people and the folks.

The “people” gangs — such as the El Rukns, Latin Kings and the Vice Lords — tie a five-pointed star into graffiti, while the “folks” — such as the Black Gangster Disciples — use a six-pointed star.

But the hard-core gang members will not likely announce their arrival in town, says writer Anne Keegan. “This isn’t a little boy putting graffiti on your garage door.”

*The Editors*



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# Fired up

The Senate's top Republican  
is passionate about setting the governor straight

by Dave McKinney

*Photograph by Jay Barnard, courtesy of the Illinois State Senate*



*Senate Minority Leader Frank Watson makes his case. The Greenville Republican can be insistent when driving his point home. Staff member Will Lovett is pictured at left.*

If one image of Senate Minority Leader Frank Watson endures at the Statehouse, it is his performance late last May when Democrats hurriedly muscled the heart of Gov. Rod Blagojevich's first budget through the Senate.

Angered about having too little time to review the \$23 billion spending package laid before him and seeing no clear way to pay for it, Watson grabbed the 275-page bundle of documents and propelled it into the air. Cast in all different directions, the pages shot up 15 feet, nearly rattling one of the Senate's custom-made, crystal chandeliers before fluttering down on his stunned audience like ticker-tape in a parade. It was, he would describe many months later, "an Olympic toss."

"Why try to do everything in the backroom, in secrecy? I just kind of responded to that frustration and

said this is not right, this is not fair, this is a violation of the process," he says. "Fortunately, I didn't hit any lights. That's the first thing people said when they saw it going up, 'Oh my god, the chandeliers.'"

In Watson's possession is a framed, time sequence series of photos, showing that theatrical thrust. Assembled by a staff photographer, it's a prized possession from his first year as the Senate's top Republican, valued somewhere on the same scale as his Ozzie Smith-autographed baseball and the oil portrait of his family's Greenville drugstore that adorn his Capitol office.

That night demonstrated Watson's fiery passion for a job that has taken three decades to earn. But this is just one dimension of the freshman legislative leader. He is self-effacing, a fan of Tom Clancy's novels, the Everly

Brothers and the St. Louis Cardinals and a studied disciple of Barry Goldwater, Ronald Reagan and Jim Edgar.

Stepping out of the shadow of the man he replaced as Senate GOP leader, conservative icon James "Pate" Philip, Watson is fast becoming known as the Republican conscience in a Democratic-led legislature. Whereas his counterpart, House Minority Leader Tom Cross, an Oswego Republican, has built upon a long-term, friendly relationship with Blagojevich, dating back to when both served in the Illinois House, Watson seems to relish going toe-to-toe with the state's chief executive. It has won Watson respect from within his own ranks, enabled him to pull a few legislative surprises and fueled hopes of retaking the state Senate, if not this year then in 2006.

"This notion that everybody is



Frank Watson

***Accustomed to life  
in the majority,  
Watson put together  
a string of respectable  
legislative trophies  
before assuming  
his leadership post.***

supposed to get along and everybody is supposed to negotiate, I don't think serves taxpayers well or citizens well," says Sen. Dan Cronin, an Elmhurst Republican. "Debate is good. And Frank, I think, is the lone voice in this Capitol that opposes the governor, that presents an opposing view to the governor's proposals."

Adds state Treasurer Judy Baar Topinka, the chairman of the state Republican Party, "I think he's done a great job. He's dealing with a governor who rarely sits down with legislative leaders, is very partisan, is not around and is basically kind of a phantom. That's very hard to do."

Indeed, Watson and Blagojevich are poles apart on most issues. The governor moved to shore up the state's pension systems and buy budgetary wiggle room by borrowing \$10 billion last year. Watson opposed the move. Blagojevich raised the state's minimum wage from \$5.15 to \$6.50 an hour. Watson voted no. The governor expressed support for imposing a one-a-month limit on gun purchases. Watson helped kill the idea. The governor filled a \$5 billion budget hole in part by winning permission to sell off or mortgage the James R. Thompson Center in Chicago and raising hundreds of business fees. Watson voted no.

"I like him. I think he's a decent,

honest, hard-working person. But I don't see eye to eye with him on a lot of philosophical things," says Sen. Carol Ronen, a Chicago Democrat and one of Blagojevich's closest Senate allies. "His positions are way more narrow, I think, than I'd like to see. He represents his district more than he represents the state."

The No. 2 Democrat in the Senate shares a similar view of Watson but calls him more of a partisan than Philip, who retired rather than return to the minority as leader.

"I think Philip had a more compromising view at most times. When he got stuck, he knew he had to make an accommodation. That's politics. Frank just drives ahead," says Senate Majority Leader Vince Demuzio, a Carlinville Democrat. "I don't think he voted for anything in the governor's budget last year at all, to my knowledge. Surely, there was something in there he agreed with."

To a certain extent, Demuzio is right. There were some points of agreement between the two leaders, though not on the budget. Perhaps the most notable instance when Watson and Blagojevich were on the same page was on Chicago Mayor Richard Daley's push to expand O'Hare International Airport, which Watson voted for. Philip, living in O'Hare's flight path, fought tooth and nail against that idea for years, but Watson saw it as an important economic development issue.

Watson and the governor also worked together on the state's new ethics law that cracks down on the misuse of state workers and resources for political gain. On that issue, Watson leveraged an important concession from Blagojevich, requiring that unpaid gubernatorial advisers — the "shadow government," as Watson calls them — must file financial disclosure forms. That came in response to the prominent and somewhat murky, behind-the-scenes roles being played within the administration by Blagojevich fundraiser Chris Kelly, former congressional chief of staff turned lobbyist John Wyma and political adviser and lobbyist David Wilhelm.

But such displays of unanimity have

been infrequent. "I've been the one, to this point, who has been the most critical of the governor," Watson says. "I'm not doing this because it's partisan politics and I'm supposed to be the standard-bearer for Republican thought in this state. I do it because I think that's my responsibility."

Blagojevich sought to build a working relationship with Watson even before he was inaugurated governor. He's tried to be friendly with the Senate leader, who calls the governor a "very engaging guy to be around."

But they haven't become close, finding little in common beyond their deep mutual love of sports.

"The governor likes Frank and always gets a kick out of it when Frank expresses his opinions," Blagojevich spokeswoman Cheryle Jackson says.

Watson's been expressing himself through government for three decades. His political career began as a township supervisor during the mid-1970s in south-central Illinois and reached its peak last January when he emerged victorious from a three-way leadership struggle with Sen. Steve Rauschenberger, an Elgin Republican, and Sen. Kirk Dillard, a Hinsdale Republican, to succeed Philip.

Though in the minority and unable to wield the same authority as Philip once did, the fourth-generation pharmacist puts little above his role at the Statehouse. Even if he is on a beach on vacation, he's talking politics on his cell phone to someone, his wife says.

"It's his whole life. It really is," says Susan Watson, whom he met in high school and has been married to for 35 years. "It matters more to him than his business. He just loves it. He loves making a difference in people's lives."

Accustomed to life in the majority, Watson put together a string of respectable legislative trophies before assuming his leadership post.

He was the primary drafter of the state's 1995 welfare reform law that imposed strict time limits on public benefits and narrowed eligibility requirements. He was chief sponsor of the College Illinois! prepay tuition program and the Bright Start college savings plan. He was sponsor of the



EDGE tax credit to keep and lure businesses in border counties. He was the main Senate sponsor of former Gov. Jim Edgar's school funding package that established a school construction program and boosted per pupil spending in 1997. And Watson was one of three Senate Republicans who helped draft the landmark 1995 Chicago school reform bill that gave Mayor Richard Daley control of the city school system.

He came to the Senate in 1983 after having served two terms in the House. Before that, he was a township supervisor in Greenville, where his views began to develop on how government and the people should interact. As a supervisor, Watson was in charge of doling out assistance checks to the poor. It didn't take long, he says, to see how easily the system could be abused.

"I'd be sued today, I'll guarantee you," Watson says. "I always said there's a network out there. There's people with networks that say, 'Call this number and you'll get an overnight, you'll get a dinner, you'll get gasoline' because my phone rang constantly. They'd be going from Pennsylvania to Oklahoma in a 1966 Mercury or something, and they'd run out of gas in Bond County. So, they'd call. They had your number. I put a \$3 limit on gas, enough to let them get out of our county and the next county over.

"People were coming to you constantly, wanting help, and there were legitimate people that we helped, but there were an awful lot that maybe weren't. I think that's how I ended up with the welfare reform bill I was responsible for," he says. "It was frustrating knowing the same people you were giving a check to for groceries for their kids would buy cigarettes at the same time."

Beyond those experiences, Watson's views were shaped growing up in Greenville, a rural town of about 7,000 located between Vandalia and St. Louis along Interstate 70. To this day, Greenville is dry, with the only liquor store on the outskirts of town. Most of its residents are white, middle class and regular churchgoers.

His family's home was next to a Free Methodist Church, across the street from Greenville College, a small Christian-based liberal arts college. He was baptized Episcopalian. The Watson

name was synonymous with Greenville, with his great-great uncle opening its first drug store in 1881. Generations of Watsons made their livelihoods there, including Frank, who went to Purdue University in Indiana like his father, got a pharmacist's license and returned home to dispense cold remedies, blood pressure pills and ointments to the locals.

"I guess I did what I was expected to do as a kid. Your dad's a pharmacist. You got a nice business. You go to Purdue. You go to pharmacy school. Your dad went there. You come back. You live in the town. You marry a local girl. You do all the right things. And that's what I did," Watson says.

Watson still owns the drugstore but farms out its management because of his commitments in Springfield. He wistfully acknowledges its chances of staying in the family are uncertain because his son and daughter, Chad and Kami, have taken different career paths than pharmacology. Chad holds a marketing job in St. Louis, while his sister is a pharmaceutical company rep in Chicago. "I'd have loved to see one of them go to pharmacy school, and I encouraged it. They worked in the store as they grew up. But they saw me outside the store and didn't feel, I don't believe, the same obligation ... to go to pharmacy school and come back to Greenville," he says.

One other part of Greenville that shaped Watson was his tenure with the local Jaycees Club. He learned the art of public speaking through the organization and enrolled as a member in the late 1960s, just as the town became embroiled in a turbulent debate over whether to relax its longstanding prohibition on alcohol. The Jaycees decided prohibition should end to spur economic development, sparking a bitter backlash from some of the town's more conservative elements. "There was a letter to the editor that called us the 'liquor-lovin' Jaycees.' It just tore us up," Watson says.

In the end, the township went wet, but the city remained dry. "So now, we have restaurants and a liquor store on the outskirts of town, and they're there because of what we did," he says. "That was very controversial. I'm not worried about taking on a tough issue. I did it back then."

The tough issues now before Watson relate to setting straight a governor he disagrees with much of the time and putting Republicans back in control of the Senate, where they have 26 seats, four shy of a majority.

A sea change in the Senate is unlikely this year. Republicans face a Democratic-drawn legislative map, signs that President George W. Bush is faring poorly in Illinois and the continuing association of scandal from former Gov. George Ryan's era.

"Our attitude is we want to pick up two seats this year. It'll be difficult. But if we can get two this time and go into the '06 cycle with just two to get, we'll have a full court press out there, and we feel like we could take back control," Watson says.

Legislatively, Watson's springtime agenda has focused on addressing spiraling medical malpractice premiums that have driven doctors out of southern Illinois and into neighboring Missouri.

With his backing, Watson's members also are trying to kick up dust with a proposed constitutional amendment prohibiting Blagojevich from using state road fund revenues for general state spending and legislation restraining the governor's ability to borrow. Senate Republicans would like to prohibit the administration from extending the life of loans beyond 25 years and to disallow loans with massive balloon payments due long after this governor will likely be in power.

It's hard to envision Senate President Emil Jones, a Chicago Democrat, allowing any of those initiatives out of the Senate Rules Committee. If Watson is stymied on these issues or in his attempts to leave an imprint on Blagojevich's second budget, expect to hear from the Senate leader again in late May. Better yet, grab a seat in the Senate gallery to see some chandeliers swinging to and fro.

"Sometimes I wear my emotion on my sleeve," Watson says of his penchant to get fired up over issues he believes in. "I'm just a very emotional person. That's the way I am." □

*Dave McKimney is Statehouse bureau chief for the Chicago Sun-Times.*

# Code blue

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## Lawmakers call for an emergency checkup on Illinois' medical liability law

by Bethany Carson

Heart rates are up at the Capitol over what some call a "crisis" in the state's health care system.

Lawmakers from both sides of the political aisle say medical malpractice insurance costs are rising at alarming rates, driving doctors out of state and leaving patients with fewer options. So far, more than 100 measures on this issue are in play, and legislators from both chambers have begun meeting to negotiate a bipartisan proposal that might win approval in this politically charged election year.

But the prognosis for major reform isn't good. A triad of well-financed interest groups representing physicians, insurance providers and trial lawyers has yet to agree on a diagnosis, let alone a treatment. Lawyers blame insurance companies for the increasing cost of malpractice coverage. Insurance companies blame lawyers for filing too many malpractice suits that boost premiums. And doctors blame both. Legislators are stuck in the middle.

They've been here before. Generally, Democrats oppose limits on malpractice awards, while Republicans support them. And the Illinois Supreme Court has twice struck down legislators' attempts to impose limits on awards patients can receive for noneconomic reasons, such as pain and suffering.

So, because legislators want to accomplish some reform this session, they say caps are temporarily off the

table in the Democrat-controlled General Assembly. Instead, a group of lawmakers from the Chicago region and some downstate areas, who say the problems have grown more acute this year, are pushing changes aimed at easing the legal and financial pressures on doctors. They would limit the time patients have to file claims and create a fund to help cover malpractice costs. The governor, too, is expected to announce a plan before the legislative session's scheduled adjournment at the end of May.

Meanwhile, legislators from across the state are getting an earful. While the price of policies that cover doctors when patients sue has been rising more sharply in key counties — Will, Cook, St. Clair and Madison — doctors in other counties are beginning to feel the pinch. And they've asked their legislators to make changes, or risk losing medical services.

**A bipartisan coalition** of senators has reacted by proposing some reforms, including limitations on lawsuits that tend to drive up the cost of insurance. They'll have their hands full getting any agreement, though. The complex cause-and-effect relationship of the malpractice system and the cross-party connections of the affected interest groups stymies a cut-and-dried solution. Yet one key

negotiator predicts that House and Senate leaders will allow this year's debate to unfold on the floor before lawmakers leave for the summer.

The heart of this issue remains access to health care, says Sen. Kirk Dillard, a Hinsdale Republican. And, by this measure, doctors argue Illinois fares poorly. The American Medical Association cites this state as one of 19, including Kentucky, Missouri and Ohio, that face what they term a medical crisis. The contributing factors include a decline in the availability of medical specialists, stemming from the high cost of malpractice insurance, and an insufficient number of insurers.

Doctors who operate on hearts or brains, and those who deliver babies, are among the hardest hit by rising insurance costs, especially if they practice in Cook and Will counties in the northeast region of the state or in St. Clair and Madison counties in the Metro East area across from St. Louis. The premiums doctors in these regions pay have skyrocketed in the past two years, and insurance companies have been less likely to cover those considered to be at high risk of being sued.

Ten insurance companies offer malpractice coverage throughout the state, but only one covers all types of doctors, according to Dr. William Kobler, president of the Illinois State Medical Society.



Fewer insurance companies translates into higher costs for malpractice insurance. Dillard calls these costs "outrageous" and says they play a part in decreasing access to treatment for head trauma in the Chicago area.

Farther south in Carbondale, a neurosurgery team will leave in the next few months. Dr. Theo Mellon and Dr. Sumeer Lal of Neurological Associates of Southern Illinois are moving their practice to another state with a "more physician-friendly environment," they wrote in an open letter announcing the move.

"There's no head trauma being done south of Springfield," says George Maroney, hospital administrator for Southern Illinois Healthcare. "It's a step backward for this medical community because it took us a long time before we could develop this program."

The Illinois Medical Society says the problem is no longer specific to a single area of practice, either, meaning more legislators are noticing the red alert for more doctors in their regions. "This whole thing is a deck of cards," Maroney says. "If the governor and the General Assembly do not solve this problem, you have a rippling effect of physicians leaving the larger communities and then impacting the smaller communities."

But no one knows for sure how many doctors statewide have stopped practicing in Illinois. Data provided by the state contradicts anecdotal reports. But that is partially because the Illinois Department of Professional Regulation does not track migration of doctors. Physicians can hold Illinois licenses but practice elsewhere, or not at all. In December, the agency counted 39,037 licensed doctors, about 1,000 more than six months earlier, when it counted 37,925.

Despite the official numbers, lawmakers are listening to the warnings from individual doctors. "It's just devastating if something isn't done this year," says Sen. David Luechtefeld, a Republican from Okawville. "I think it's the biggest problem in our district down south this year." He represents Washington County, which neighbors St. Clair County to

the west, where doctors are leaving because insurance rates are among the highest in the state. "Hospitals are in bad shape if we don't do something this year."

When the hospitals suffer, the pain trickles down to general practitioners, according to Maroney. He says when specialists leave a major medical center, the immediate effect is that general physicians no longer have somewhere close to send their critical patients. "In the small communities, the physicians will have to start sending their patients to St. Louis," he says.

While downstate legislators say their doctors must send patients to out-of-state specialists, Chicago legislators say their doctors flee to Indiana, Wisconsin or other border states to take advantage of lower insurance costs. Thus, a Democrat from northern Illinois speaks with the same urgency as southern Illinois Republicans. "I think it's time for something," says Sen. Susan Garrett of Lake Forest. "We, as legislators, are on the front line. We're in the trenches. We're hearing from our constituents."

She says she has heard from more than 300 physicians who attended a public hearing in the Chicago suburbs on Valentine's Day. "They're very, very frustrated, and they're angry, and understandably so," she says.

The doctors' frustration spreads like a virus. Luechtefeld adds that the decline in the medical industry feeds regional economic problems. "When the doctors leave, an awful lot of jobs are lost. It's devastating to the economy. Most of the hospitals have a team of two or three heart surgeons. For every procedure, they have about three or four nurses; they have anesthesiologists; they have secretaries. When those two doctors

leave, very likely 20 people will be affected in some way or even lose their jobs. And then multiply that when 50 doctors leave."

This trend isn't unique to Illinois. Nationwide, obstetricians and gynecologists experienced a 22 percent increase in insurance premiums between 2000 and 2002, according to the Congressional Budget Office's 2004 report. On average, premiums for all physicians nationwide rose about 15 percent in the same period.

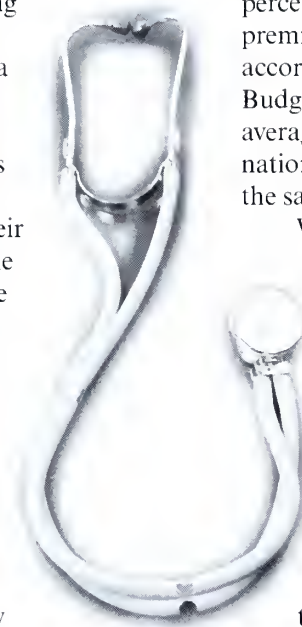
While Illinois mirrors these statistics, some counties saw rates spike much higher than the national average. Malpractice liability insurance for obstetricians and neurosurgeons increased in some cases by more than 60 percent in 2003, according to ISMIE Mutual, the largest such insurer in Illinois.

Companies charge more to insure neurosurgeons and obstetricians in Cook, Will, St. Clair, and Madison counties than in other areas of the state. Doctors who practice in those counties are considered high-risk because they are most likely to get sued and, if they lose, pay more for their patients' losses. Thus, ISMIE's 36 percent increase in obstetricians' insurance rates increased those doctors' premiums by \$37,000. They paid \$103,000 in 2002 and \$140,000 a year later.

Obstetricians in rural Illinois saw the amount they pay for insurance increase by 35 percent, from \$57,000 in 2002 to \$77,000 in 2003. Although rural specialists practice outside of the high-risk counties, they pay higher premiums because so many things can go wrong when delivering a baby.

Brain surgeons who buy coverage from ISMIE, similarly saw a 36 percent increase, from \$168,000 to \$228,000 in the high-risk counties. Rural brain surgeons saw a 35 percent increase, from \$93,000 to \$126,000 in one year.

ISMIE raised its prices by 35 percent in July 2003, according to a summary it filed with the Illinois



Department of Insurance, because that increase reflected the reality that its clients had more medical malpractice claims filed against them. ISMIE announced another 7.4 percent increase for this summer.

Almost 80 percent of such claims never result in a payment to the patient, but most still involve substantial legal expenses, according to ISMIE. The company paid \$33.5 million over the last five years in verdicts, settlements and accompanying legal expenses in Madison and St. Clair counties alone, Dr. Phillip Johnson told lawmakers in December at a legislative summit sponsored by Senate Minority Leader Frank Watson. That hearing in Collinsville attracted more than 600 participants, including doctors, lawyers, representatives of insurance companies and, mostly, interested citizens, says Patty Schuh, Watson's spokeswoman. They were expecting a 100-person crowd. "This is truly a grass-roots effort," she says. "It is regular citizens driving the action."

Johnson, a family doctor in Litchfield and a member of the ISMIE Mutual board of directors, also told lawmakers claims that do make it to the courtroom are likely to cost more money than in past years.

One particularly high-cost and high-profile case was detailed in a *Chicago Sun-Times* report in February. The newspaper wrote that one family received \$30 million for the 1998 death of their newborn son. Family members alleged the medical staff was negligent and the jury agreed.

ISMIE argues its average payout per claim increased nearly 60 percent from \$385,000 in 2001 to \$612,000 in 2003. Nationwide, the average payout has grown by about 8 percent annually, from \$95,000 in 1986 to \$320,000 in 2002, according to the Congressional Budget Office's January 2004 report. The cost of defending a malpractice suit also more than tripled, from \$8,000 in 1986 to about \$27,000 in 2002, the report says.

Johnson told lawmakers the only way to cover rising legal costs is to increase insurance premiums for medical providers.

For their part, attorneys argue the

insurance industry tells a lopsided story. "The increases in premiums are unjustified if you try to pin it all on a judicial system or verdicts and settlements, because the numbers just don't add up," says Mike Schostok, president of the Illinois Trial Lawyers Association. While he agrees the cost of hiring experts to defend malpractice cases has increased, he says that's part of a natural cycle of economic activity.

Insurance companies base their premiums on how much they expect to pay in future claims and the number of claims filed in previous years. Because it can take as long as five years for an insurance company to pay a claim, insurers rely on income earned from investing the money they receive from premium payments. The amount they make from their investments has declined nationwide for the past few years, the Congressional Budget Office report concludes, causing companies to set higher insurance rates to compensate.

Further, competition between insurance companies influences their prices. When more companies offer insurance in one area, they keep their prices lower to attract more customers. Less competition means insurers can charge more. For example, PIC WISCONSIN, a major Illinois malpractice insurer, left the Illinois market in February. Maroney of Southern Illinois Health-care says PIC WISCONSIN insured about 30 percent of his medical staff, including the two Carbondale neurosurgeons who announced their departure last month. Now, nearly a third of his staff needs to find new insurance, he says. "They don't have too many options." When the element of competition ceases, then the remaining companies can charge not-so-competitive rates, he says. According to the federal report,

though, prices start to level out again when the remaining insurance companies pick up the doctors who lost their coverage.

Trial lawyers are predicting a business recovery and a resultant drop in insurance rates. "The worst is over, and I've heard that from very informed people in the insurance industry," Schostok says. "There will be more companies probably coming into the market, which will result in increased opportunities for doctors to find insurance coverage."

Maroney says he sees no indication of that happening anytime soon.

Some answers should be available when the state insurance department presents its annual report to the General Assembly this month. "Our goal is always to increase the number of writers because the more insurance companies writing, the better off the consumer is," says Deirdre Manna, acting director of insurance.

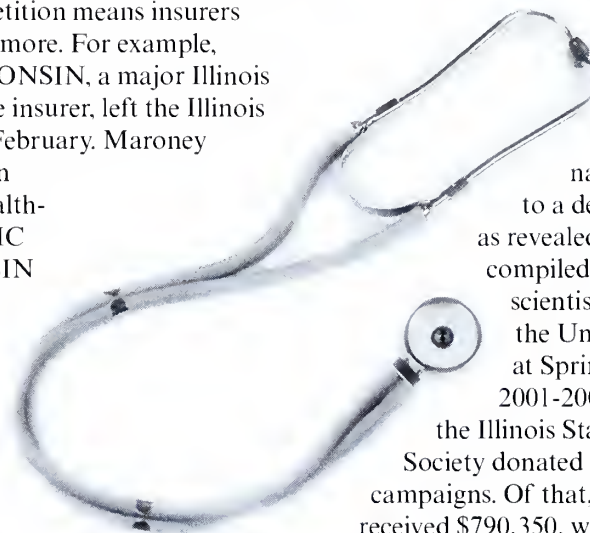
Politics could contaminate the negotiations. Interest groups support legislators' campaigns in hopes of building alliances, and trial lawyers traditionally contribute to Democrats,

while doctors most often contribute to Republicans.

In the midst of an election year, legislators naturally are drawn to a deep well of cash, as revealed in the data compiled by political scientist Kent Redfield at the University of Illinois at Springfield. In the 2001-2002 election year,

the Illinois State Medical Society donated \$1,328,422 to campaigns. Of that, Republicans received \$790,350, while Democrats received \$538,071. The Illinois Trial Lawyers Association, on the other hand, donated more to Democrats than to Republicans. That group shelled out \$840,265 in total campaign contributions. Democrats received \$815,015, Republicans \$25,250.

Maroney says both parties will have to cooperate to arrive at a solution. "Democrats and Republicans have





to start supporting one group — it's not the doctors; it's not the lawyers — it's the people. All these people are potential patients."

Still, lawmakers will have to accommodate these powerful interest groups and their constituents, as well as meet the need to hammer out good policy.

They've tried before. In 1976, the last time Democrats controlled both legislative chambers and the governor's office, Republicans managed to get caps through the General Assembly, only to have the state Supreme Court rule that the \$500,000 cap was "arbitrary" and discriminated against "the most seriously injured victims." In 1995, when Republicans controlled both chambers and Jim Edgar was the Republican governor, another cap was approved. It, too, was struck down by the state's high court, which ruled that the arbitrary, one-size-fits-all \$500,000 cap would not only discriminate "in favor of a select group," but also prohibit judges from considering circumstances in individual cases.

Nevertheless, policy-makers are pressing the legal system again, in Illinois and elsewhere. Democrats in the U.S. Senate recently debated limiting awards for pain and suffering to \$250,000. Though the federal government hasn't succeeded in approving such caps, 34 states have proposed reforms in malpractice liability, according to the National Conference of State Legislatures, a bipartisan research organization. Of those, 11 states — Arkansas, Florida, Idaho, Montana, Nevada, New Hampshire, New York, Ohio, Texas, Utah and West Virginia — enacted laws concerning liability for damage awards during last year's legislative session.

And, according to the U.S. Department of Health and Human Services, 24 states, including Indiana and Wisconsin, already limit jury awards for pain and suffering, which Illinois lawmakers say entices doctors and insurance companies to cross state lines.

Other states have addressed reforms in the legal system without issuing caps. Arkansas, for instance, specifies that experts who testify against doctors must practice in the same

specialty area as the doctor under scrutiny. Ohio limits the time after the alleged injury that a person can file a claim seeking awards for pain and suffering.

Illinois lawmakers are borrowing some of these ideas, such as specifying who qualifies as an expert witness and limiting the amount of time a person has to file a claim. A coalition of senators, including Belleville Democrat James Clayborne, Chicago Democrat John Cullerton, Luechtefeld and Dillard propose to target the state's legal system. Across the Capitol rotunda, House Republican Leader Tom Cross of Oswego has introduced similar legislation.

Dillard also wants to better equip juries. "The jury is entitled to be informed that the plaintiff will not have to pay income taxes on these awards, and I believe you would see a reduction in these awards if the jury knew they wouldn't have to pay income tax."

***The most controversial*** proposal for reform has always been limits on awards for pain and suffering. Proponents cite California, which has been regulating the legal system and the insurance industry — and imposing \$250,000 caps on pain and suffering — since 1975. California's malpractice insurance rates also are the most stable and among the lowest in the nation, according to the American Medical Association.

Yet Illinois lawmakers assume the chances for approval of a cap are slim this session.

Doctors are disappointed, but they say immediate reform without caps is better than nothing. "[Caps are] our number one goal at the state and federal level, but until we change the ideological status of the [Illinois] Supreme Court, the access problem is our main focus," says Dr. Kobler of the State Medical Society. "In some ways, it's a good thing to be able to bring this up in an election year. We need to have people in the legislature who understand what the problem is. It's not doctors against lawyers. It's about people's access to health care."

While negotiators working on the

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have proposed reforms  
in malpractice liability,  
according to the National  
Conference of State  
Legislatures, a bipartisan  
research organization.***

bipartisan proposal want to target the state's legal system, they also recommend reforming the insurance and medical industries. Sen. Dillard and Rep. Tom Cross, for instance, would require expert witnesses to be in the same practice as the doctor who is being sued.

Sens. Garrett, a Democrat, and Watson, a Republican, support restricting the venue where patients can file their claims. Lawyers and patients are attracted to Cook, Will, St. Clair and Madison counties because the courts in those counties have reputations for granting generous malpractice jury awards. Restrictions might help stabilize insurance rates in those high-risk counties, they say.

Cross and Dillard also suggest ways to limit so-called frivolous suits: A patient's claim against a doctor would have to include a letter signed by a qualified health care professional who could certify its legitimacy. Doctors and lawyers support that provision, but lawyers also prescribe their own treatment: Reform the state's insurance department. Schostok of the trial lawyers group would, for instance, make the agency accountable for setting and publicizing insurance rate increases.

Garrett agrees. She says insurance companies should have to get approval from the department if they want to increase their rates by more than 10 percent. "The insurance providers need to justify why their rate increases

are at that level," she says. "It doesn't mean they aren't able to increase their rates, but it just means that they have to be more accountable to the Department of Insurance and, ultimately, to the physicians and taxpayers."

And if insurance companies do increase their rates by any level, Garrett wants to extend the amount of time doctors have to switch companies. They currently have 30 days; she wants to give them 60 so they can shop around for more competitive rates. To help the doctors know their choices, she wants to require the department to list all rates and contact information for insurers throughout the state.

And Garrett believes the state should help doctors form relationships with their patients, making them less likely to sue for malpractice. She suggests risk management courses so patients better understand the risks involved in medical procedures.

Cross, meanwhile, suggests providing grants to help doctors pay for malpractice insurance.

Lawmakers from both parties and both chambers have agreed to continue discussions. Garrett says the need for change overrides any

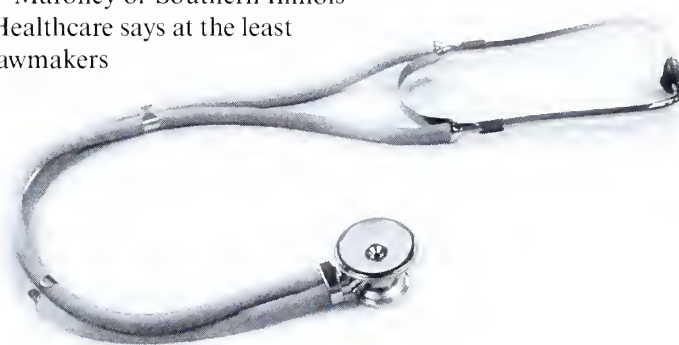
controversy. "The insurance industry's not happy. The trial attorneys probably aren't thrilled with me. The state agency, the Department of Insurance, probably would rather I not bring up this subject matter. So I understand the risk that's involved in that," she says. "On the other hand, I think this is the most important issue facing our state today. I couldn't in good faith be doing my job without addressing this."

Cullerton, who has been leading the discussions, says, "We're going to get people to sit down and rationally describe the problem. There's a lot of finger-pointing. We'll get the real facts and see if we can alleviate the immediate problem. After you say caps are off the table, everything is on the table."

Maroney of Southern Illinois Healthcare says at the least lawmakers

should find a way this spring to control insurance costs and reduce the number of malpractice claims filed. "Premiums are the number one concern, but just as much as premiums is the cloud of fear that is literally driving physicians out of this state," he says. "We're basically pleading with our physicians to give it one more year and have faith in the system that our state can solve this problem."

Cullerton says he expects support from Senate President Emil Jones and House Speaker Michael Madigan before the spring session is over. "Believe me, there's going to be some progress." □



## A case study

### Madison County is ground zero in the medical liability controversy

by Kevin McDermott

**I**n Illinois' political war between the doctors and the lawyers, Madison County is the front line.

Long viewed as a national plaintiffs' haven for class action lawsuits, that county, and, to a lesser extent, neighboring St. Clair County, is ground zero in this year's medical liability debate in Springfield. That's because

malpractice insurance rates in the shadow of St. Louis have risen and the availability of medical care has dropped.

Doctors and lawyers agree that the medical malpractice insurance premiums paid by Metro East doctors have risen much faster than those of other regions, including

Chicago. And they agree the phenomenon has led to a medical crisis in that area, causing doctors — particularly specialists in such high-risk fields as obstetrics and neurology — to flee across the Mississippi River to St. Louis or elsewhere in search of lower premiums.

What those two groups disagree



about is the cause of the problem. Lawyers' groups and Democratic Party leaders in the Statehouse say it's a combination of bad doctors, which leads to expensive lawsuits and insurance companies that take advantage of the Metro East's litigious reputation to gouge physician customers.

"We think significant insurance reform is necessary," says Mike Schostok, president of the Illinois Trial Lawyers Association, whose members represent plaintiffs in malpractice cases. That group denies there are too many suits in the Metro East area. They say malpractice insurance rate hikes in recent years haven't been justified by the actual losses of the insurance industry, noting that the Illinois Department of Insurance hasn't disapproved a malpractice insurance rate hike in more than three decades.

Meanwhile, doctors, the insurance industry and Republican critics of the civil litigation system, say the problem is the lawyers. They blame an out-of-control Metro East civil court system that has made malpractice lawsuits so frequent and judgments and settlements so expensive, that the insurance companies there have no choice but to hike their premiums, leaving some doctors with no choice but to move.

While there is no central depository of data regarding doctors who have left the Metro East area in search of lower insurance premiums, anecdotes abound. Among former Metro East doctors interviewed recently by the *St. Louis Post-Dispatch* was one who has seen his annual premiums drop from \$58,000 to \$4,000 by moving from Belleville to Idaho. Another crossed the Mississippi River from Alton to Chesterfield, Mo., and lowered her \$35,000 premium by \$25,000. Still another reduced his premium from \$84,000 to \$9,100 merely by moving 15 minutes north, from Madison County into Jerseyville.

"There's been a mass exodus of doctors" from the Metro East area, says Stephanie Sudholt, spokeswoman for the Madison County Medical Society. She says the

situation has gotten so bad that doctors who remain in the region have taken to putting up fliers in their waiting rooms to inform their patients about a doctor shortage.

Whatever the ailment in this highly politicized liability system, the symptoms are clear.

Madison County doctors are, on average, more likely to be sued than doctors anywhere else in the state, according to data from ISMIE Mutual Insurance Co., a nonprofit entity that insures more than half the doctors in Illinois. ISMIE-insured doctors in Madison County faced a 24 percent rate of lawsuits from July 2002 through June 2003 — meaning that for every 100 doctors in the county, 24 were being sued during that time. The comparable statewide rate was 15 percent.

In Illinois as a whole, and particularly in the Metro East area, the premiums paid by doctors haven't covered the payouts that insurance companies have had to make for lawsuit judgments and settlements, the insurance industry claims. In the past five years, ISMIE alone reported paying \$33.5 million in verdicts, settlements and accompanying legal expenses in Madison and St. Clair counties with an average payment-to-plaintiff expense of \$495,000 by 2003, while taking in just \$29.6 million in premiums during that time.

Metro East health officials say roughly 70 doctors have left the region in the past few years, specifically because of high malpractice insurance premiums. Hospitals there have reported shortages in certain types of specialties. Memorial Hospital in Belleville even went so far as to institute a standing practice several years ago to transfer critically ill children to St. Louis hospitals out of fear of litigation.

In fact, some insurance companies have stopped doing business in the Metro East region altogether, citing the high rate of lawsuits.

Lack of competition among insurance companies contributes to skyrocketing premiums — a factor that can only get worse if more insurers stop writing policies in

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*While there is no central depository of data regarding doctors who have left the Metro East area in search of lower insurance premiums, anecdotes abound.*

the region.

The malpractice issue has reached Springfield this year largely because of public lobbying by the medical and insurance industries — which want caps on lawsuit awards as 24 other states have — and counter-lobbying by the legal industry, which wants no caps but stronger oversight of the insurance industry.

While there is wide disagreement on the causes of the problem, both parties generally agree there is a problem, and Madison County is most often cited as its epicenter. Among the issues that legislators on various sides of the debate tend to agree on is the necessity of curtailing "venue shopping," the practice of filing lawsuits in plaintiff-friendly areas like the Metro East when the actual injuries occurred elsewhere.

"For whatever reason, more lawsuits are being filed in St. Clair and Madison counties than in other places," says state Sen. Susan Garrett of Lake Forest, who is one of the lead Democrats on the issue.

Senate Minority Leader Frank Watson, a Greenville Republican, predicts that any successful legislation on the issue will have to address all aspects of the fallout that has spread from Madison County into a complicated conflict between doctors, the insurance companies that protect them and the lawyers who sue them. Says Watson: "Nobody's blameless in this." □

*Kevin McDermott is a Springfield, Ill.-based reporter for the St. Louis Post-Dispatch.*

# Federal roadblock

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## Illinois' transportation wish list is trapped in congressional gridlock

by Dori Meinert

There's nothing members of Congress like better than sending billions of federal dollars back to their states for the highway and mass transit projects that generate jobs and boost local economies.

Members of Illinois' delegation are no different. And this state has a wish list that stretches from Chicago to southern Illinois. At the top is a proposed new bridge to redirect highway traffic over the Mississippi River to St. Louis from the expanding Metro East area. Estimated price to build the bridge and reroute interstates: \$1 billion.

That project has been on the drawing boards for a decade. But Illinois officials may have to wait a while longer. The federal transportation program was set to expire last September 30, and Congress did begin deliberations last spring. But, like motorists during construction season, the effort to draft a new six-year transportation plan has faced delays. President George W. Bush put up a huge roadblock in February when he threatened to veto any federal transportation reauthorization that costs more than \$256 billion over six years, a figure he considers responsible in light of the nation's \$521 billion deficit.

Defying the White House, the U.S. Senate went ahead and approved a \$318 billion package anyway. While leaders of the House Transportation and Infrastructure Committee continued to push for that chamber's \$375 billion plan, U.S. House Speaker Dennis

Hastert, a Yorkville Republican, is steering his members toward a lower amount. He's expected to bring to a floor vote a six-year reauthorization plan that would total \$19 billion more than the president wants. That amount would be just enough to meet inflation. If approved, the House measure would have to be worked out in a conference with the Senate's \$318 billion plan.

The president's proposed spending limit was a major disappointment for Illinois transportation officials, lawmakers and roadbuilders. "It doesn't allow us to do anything new," says Dick Smith, who is director of the office of planning and programming for the Illinois Department of Transportation. "We were hoping for a much larger pot."

Congress approved another in a series of extensions of the current transportation law to give legislators time to continue negotiations with the White House. But if they don't reach a compromise by the end of April, Republican congressional leaders must decide whether to fight or fall back. "At this point, we still have time to continue the negotiations and to make some headway," says Steve Hansen, a spokesman for Rep. Don Young, an Alaska Republican who heads the House transportation committee. "But if it looks like there will be no agreement, and it looks like we will have a veto, we may be better off putting it off for a year and continue it next year."

Illinois would receive \$6.1 billion in highway funds over six years under

the president's proposal, compared to \$8.9 billion in the Senate-passed plan, according to an analysis by the American Road & Transportation Builders Association, a Washington, D.C.-based advocacy group. Illinois received \$5.5 billion in highway funds under the current program.

Illinois Chamber of Commerce President Douglas Whitley calls Bush's proposal "stingy."

"I think the White House missed the ball," says Whitley. "They're going to say that tax cuts saved the economy. I don't believe that unemployed workers in Illinois believe that."

Whitley has joined with the AFL-CIO to push for a higher level of transportation funding as a way to create jobs in the state. In February, that unusual coalition of interests brought about 40 Illinois road builders, business and labor leaders to Capitol Hill to push Congress to approve more transportation money than President Bush wants.

Illinois officials believe they were shortchanged when Congress approved the current six-year transportation program. They were counting on Hastert to rectify that problem this time. But Bush's veto threat has put Hastert and other Republican congressional leaders in a difficult spot, forcing them to balance their desire to help out their states with their need to be seen as fiscally responsible.

"He's speaker of the whole House, but he's also a representative for Illinois. It's not an easy balancing act," Hastert





*This artists' rendering based on an aerial photograph shows what the proposed interstate bridge over the Mississippi River would look like. The bridge, which would be the fifth-largest cable-stayed span bridge in the world, would shoot traffic from Interstate 70 over the river at East St. Louis.*

spokesman John Feehery acknowledges. "He's going to work to get an equitable distribution for Illinois." On the other hand, Feehery says, "We want to get a bill that the president will not veto. The speaker is trying to be the honest broker between the Senate and the White House."

When the current six-year transportation bill was enacted in 1998, Hastert and other Republicans blamed the state's two Democratic U.S. senators, Richard Durbin of Springfield and Carol Moseley-Braun of Chicago, when a House-Senate compromise resulted in Illinois becoming a so-called donor state for the first time. This state receives just 93 cents in return for each dollar in federal fuel taxes that it sends to Washington, D.C.

The Senate proposal would guarantee that each state receives at least 95 cents for each dollar that goes to Washington, D.C., by 2009. But it also would turn eight new states into donors, including Iowa, New York, Pennsylvania and Wisconsin, generating some opposition from those states' lawmakers. Illinois already has plenty of company. According to the American Highway Users Alliance, there are 29 donor states under the present transportation program.

When the state's current senators, Durbin and Peter Fitzgerald, an Inverness Republican, voted for their chamber's proposal in February, they said they hoped the House would approve the larger \$375 billion package that would send more federal road

funding to Illinois.

That amount has been championed by committee Chairman Young and Rep. William Lipinski of Chicago, a senior Democrat on the committee, who have proposed raising the additional funds needed by increasing the federal gas tax by 8 cents a gallon by 2009. Lipinski has argued that 47,000 jobs would be created for every \$1 billion invested in the transportation system. Before the presidential veto threat, a larger package also was seen as a way to ease regional rivalries and ensure more support.

While transportation measures are tremendously popular with lawmakers and the construction industry because of the money and jobs they funnel to the states, critics attack them as examples of pork barrel spending and government waste. Bush is facing mounting criticism from conservatives angry over increased spending and the growing deficit during his administration.

"The highway bill is a poster child for profligate spending, [and is] expected to be loaded with thousands of pork-barrel earmarks, multimillion boondoggles unrelated to improving mobility and pervasive regional inequities," argues Ronald Utt, a senior research fellow at the Heritage Foundation, a conservative think tank in Washington, D.C. "It's the ideal target for a veto to make the case to voters that the president is serious about restraining federal spending."

The current transportation program included 1,850 congressional earmarks,

funding designated for specific projects at lawmakers' requests. In 1998, many projects made it into the final version that were never included in the House or Senate bills. "It's a moving target. That's what makes it such a challenge," says Keith Ashdown of Taxpayers for Common Sense.

Even the \$256 billion the White House proposes to spend on highways and transit is a 17.6 percent increase over the \$217.9 billion authorized in the current six-year program. Despite the change in the funding formula, Illinois received \$244 million more a year in the current six-year program compared to the previous six-year program.

But numerous studies have found that the nation's aging infrastructure is in dire straits. Young based his \$375 billion figure on the amount the U.S. Department of Transportation says is needed to maintain it.

In planning, the state never counts on federal money it doesn't have in hand, says Smith of the Illinois transportation agency. So no projects would be immediately cut back if the White House plan is enacted, he says. But if Congress ultimately adopts the Bush Administration's lower figure, he says state officials would have to reconsider plans for its top state project — that new bridge over the Mississippi River to St. Louis. □

*Dori Meinert covers Congress for Copley News Service.*

## NOTES FROM ILLINOIS

### PRODIGY *A young pianist comes out of Africa*

by Peg Kowalczyk

A child of Togo, West Africa, Kheli Fiadjoe played Beethoven's *First Piano Concerto* by the age of 9, won a scholarship to the Brevard Music Festival by 12, and garnered attention

Photograph by Jeff Garner  
Courtesy of SIU Media and Communications Resources



from *The New York Times* and CNN by 15.

Recruited by top U.S. music conservatories, Fiadjoe instead found greater support in rural Illinois when residents, including the late U.S. Sen. Paul Simon, rallied to bring him to Southern Illinois University in Carbondale.

Now, music lovers and SIU officials are rubbing nickels together to keep the 18-year-old piano prodigy in southern Illinois.

Heidi Louise Williams, an assistant professor of piano at SIU, learned about the young African, who was being wooed by the Peabody Conservatory of Music at Johns Hopkins University in Baltimore. Peabody offered Fiadjoe its highest award, a 50-percent scholarship for his first year of undergraduate study, says Williams. But with a \$35,000-plus annual price tag, funding the balance was simply cost-prohibitive for Fiadjoe.

"Plan B was to secure funding to bring Kheli to SIU," Williams, along with piano professor Wilfred Delphin, was on a mission.

Williams and Delphin had six weeks to document \$18,500 in first-year funding to satisfy U.S. consular officials in Togo — proof that a student from a Third World country has the financial resources for study. School of Music faculty, six local benefactors and a Carbondale host-family pledged one year of financial support for Fiadjoe to receive a student visa, three weeks before school began last September.



*Kheli Fiadjoe*

A family from a local church offered the teenager free room and board for the academic year. And Fiadjoe himself works 15 hours a week at a campus job, in addition to his full-time course load and myriad hours of weekly piano practice.

While \$14,000 in local donations brought Fiadjoe to Carbondale, the pledges cover this year only. To stay at SIU, he still must secure funding for his sophomore year.

Born in Lomé, Togo, Fiadjoe began playing at age 5 on a piano intended for his older sister, Akofa. Although his parents are physicians — his father, Moses, is a gynecologist, his mother, Jemima, a pediatrician — it took three years to save for the instrument.

"I'm used to bad pianos," Fiadjoe says, referring to the 15-year-old family Yamaha, which took a beating in the relentless West African humidity. With a piano tuner five hours away in Ghana and replacement strings in Europe, Fiadjoe adjusted to playing with stuck keys and broken wires.

A country of contrasts, where native tribes and customs exist alongside





*Young Kheli Fiadjoe*

wealthy European expatriates and Western influences, Togo has been in a cycle of repression and decline under the 37-year-long military dictatorship of General Gnassingbe Eyadema. In a country where 32 percent of the people live below the poverty level and the gross domestic product per capita is \$1,400 compared with the United States' \$36,300, owning a piano is a luxury. In fact, in all of Togo there might be 10 grand pianos. Funding a U.S. college education is cost-prohibitive, even for the employed and highly educated Fiadjoes.

"The income of a doctor in Togo simply can't be compared to physicians' earnings in the United States," says Jared Dorn, director of international programs and services at Southern. With an exchange rate of about 700 to 1, the Togolese franc doesn't go far in this country.

But Fiadjoe's talent has opened doors. He first came to the United States on a summer scholarship at the Brevard Music Festival in North Carolina. Most of the students were older, but 12-year-old Fiadjoe circumvented the age issue. "I just told them I was 14," he says with a grin. Competing against college students, young Fiadjoe reached the finals of the prestigious U.S. piano competition the following summer.

Fiadjoe's success at Brevard put him on the competition circuit and won him a Rotary International scholarship to study at a high school for gifted

teenagers — the South Carolina Governor's School for the Arts and Humanities. There, Fiadjoe, whose native languages are French and Mina, fine-tuned his English, a language he learned at age 7 when his family fled to neighboring Ghana during a Togolese civil war.

At SIU, Fiadjoe is getting a liberal arts education, but Williams, a three-degree Peabody alum, says she is holding Fiadjoe to conservatory level standards and offering him a lineage that can be traced to Beethoven. "We are passing on a great history, a great tradition of conservatory training," she says of her protégé's future educational pedigree. "I studied under Ann Schein, who studied under Mieczyslaw Munz, who studied under Ferruccio Busoni, who studied under Franz Liszt, who



*Kheli Fiadjoe and friends in his neighborhood*

studied under Carl Czerny, who studied under Ludwig van Beethoven."

SIU's first African piano student has chalked up first prize awards in prestigious young artists' competitions from South Carolina to the Ivory Coast. Fiadjoe recently shared Top Prize in the 2003 Southern Illinois University Carbondale School of Music Concerto Competition and performed with the Southern Illinois Symphony Orchestra in March. Fiadjoe will perform in Germany this summer and during the Cedarhurst Chamber Music Concert Series in Mount Vernon next fall. When asked about his star status, Fiadjoe says, "I'm told that, compared with the other students, I play as if things were easy."

"Kheli is obviously very gifted — and very humble," says Laurie Bell, assistant director of major

scholarships for the University Honors Program at Southern. "And he has a yearning to share his gift with others."

As Delphin says, "In Carbondale we are somewhat isolated, but Kheli contributes to an international diversity that helps expand the world view of all our students. The more he plays, the more he progresses, the more he will take his — and SIU's — good name into the local, regional and international community."

While Fiadjoe's talent is enduring, his educational funding remains tenuous; neither scholarships nor patron funding is assured from year to year. "I can't help but wonder if Peabody had taken such a personal interest in finding funding for Kheli, that he would be there, instead of in Carbondale," says Bell, who is working on securing Fiadjoe

scholarships for next year.

Fiadjoe is likely the best pianist in Togo. From a country void of a sheet music, let alone a symphony orchestra, the teenager's journey has been extraordinary. After graduation Fiadjoe intends to perform, but he also dreams of challenging an entrenched dictatorship by incorporating the arts into Togo's education system. "I want to give back, to open kids to the world through music." □

*Peg Kowalczyk is a Carbondale-based writer.*

*Photograph by Jessica Edmond*



# OTTERS

## *Two thrive in a tank at the bank*

by Marcia Frellick

*Photographs courtesy  
of Union Federal Savings and Loan*

Only Nancy Mitchell can claim the job description on her business card: "loan servicing/otter caretaker."

When she's not answering questions about home loans at Union Federal Savings and Loan in Kewanee in west central Illinois, she is feeding, observing and cleaning up after her charges: two 14-year-old American river otters named Oscar and Andy. They spiral around each other like curling black smoke, playing with toy boats and plastic rings in a 5,000-gallon tank located 20 feet from her desk. As one might imagine, it's the only otter tank in a financial institution in the United States.

And Mitchell doesn't take her responsibilities lightly. "It's a privilege to come into work every day and have an association with a wild animal," says Mitchell, who also comes in to the office on weekends and holidays to feed them. "You're rewarded by

them letting you touch them."

Andy and Oscar were brought to Kewanee in 1991 by the previous bank president, Robert Hansen, who wanted to educate the public about the then-endangered animals. At that time there were fewer than 100 river otters in the state, says Tim Schweizer, spokesman for the Illinois Department of Natural Resources. After years of importing otters from the south and reintroducing them in Illinois, the number is expected to hit 4,000 by next year, he says.



"They've made quite a comeback," Schweizer says. So much so that in February the state's endangered species board voted them off the threatened list.

The savings and loan was planning an addition in 1987 and Hansen, who had a longtime fascination with otters, had an idea for building an atrium around a two-story tank. One day he asked his vice president, "What do you know about river otters?" That man, current president Paul Donovan, who took over before Hansen's death in 1995, had to become an expert, getting permits, researching diets and behaviors and getting cooperation from zoos for consultations.

"We would call the zoos and kept

getting, 'you're a financial institution and you want to take care of otters?' You can imagine their reaction," he says.

But as they educated themselves and showed they were serious about becoming licensed by the state and the U.S. Department of Agriculture, zoos became more cooperative. The otters were shipped from Louisiana and the savings and loan held an environmental essay contest for schoolchildren in the town of 13,000 to name them. Hansen asked longtime employee Mitchell, whose animal expertise up to that point included only dogs and tropical fish, if she would become the caretaker. After the first year, she started to wonder whether she had accepted too quickly.

"If things had stayed the way they were that first year, I wouldn't have been interested in the job," she says. That first year Andy — the cautious one — and Oscar — the more curious — dragged the bedding towels in their cages out to play in the water where they got sucked into the plumbing. The tank had to be drained. Also that year they kept shredding the plastic grass pads they used to groom themselves. Once, Oscar sunk his teeth into Mitchell's hand and she had to get stitches.

Every day is another plot to escape, Donovan says. One day Oscar jumped past Mitchell as she fed him and into the room where they monitor the otters and refrigerate their food. They had to build a ramp and lure him back into his cage.

*Photograph by Dianne Beetler*



*Photograph by Dianne Beetler*







Mitchell has settled into a routine that includes feeding the otters hard-boiled eggs, ground horse meat and smelts frozen in ice blocks that melt soon after Oscar and Andy splash into the tank. The otters get quarterly checkups by a veterinarian and random checkups from the USDA.

Among the things Mitchell has learned is that the otters shed and must keep the oil in their fur distributed for warmth and speed. And about the smell? There isn't one. The otters do their business in the water and the tank is cleaned daily. In fact, the only hint of their presence from the first floor is the soothing sound of a waterfall. And an occasional sneeze, Mitchell says.

Vanessa Fite is a regular at the tank and among those who have benefited from Mitchell's occasional tours. Fite has brought her kindergarten class in twice a year since the otters' arrival. "It's good for the community," she says. "You don't get too many chances in Kewanee to see wildlife and study it. Kids also are welcomed into a business where they normally wouldn't go."

Andy and Oscar are on the twilight side of otter life — the average lifespan in captivity is 15-20 years. No one's thinking about replacing them, but if the question did arise, chances are the tank would not go empty.

"We've had young people coming in here who were 10 when they first came in and now are 20," Donovan says. "The impact has gone far beyond what we envisioned." □

*Marcia Frellick is an editor at the Chicago Sun-Times.*

## Timothy Martin

*The secretary of the Department of Transportation is an engineer by training, but his attention hasn't been on the mechanics of roadways as much as the funding to build them.*

*In recent testimony before a congressional committee on reauthorization of a federal transportation spending bill, the Chicagoan reminded lawmakers that Illinois has more than 288,000 lane miles of public highways, the second-largest public transit and rail freight systems in the nation and one of the world's busiest airports. Yet Illinois gets a return of about 93 cents for roads on every dollar it sends to Washington, D.C. Under President George W. Bush's plan, a number of Illinois projects would be in jeopardy. Among them: road improvements at O'Hare International Airport and I-55 in central Illinois, as well as mass transit improvements in Chicago and southern Illinois.*

*This is an edited version of a recent conversation between Martin and Chicago writer Stephanie Zimmermann.*

### **Q.** *What are your top priorities or projects for the agency?*

I would rather stay away from specific projects because if you forget to name one, somebody gets mad at you. But essentially, maintaining the safety of our roads and bridges [and] reducing congestion in some areas of the state. We're not just the Department of Highways. We're the Department of Transportation. Even though highways are probably 70 percent of our funding and staffing, we're the funnel for a lot of transit funding. We're hopefully having a positive impact on aviation and aeronautics and we're working with Amtrak and the railroads.



Timothy Martin

### **Q.** *You can't give us any specifics?*

Right now, the governor has announced six out of the 10 "Opportunity Returns" [economic development] regions throughout the state. Those are some of the most important projects we can be doing because they are jobs-related. Outside the Northeast region of Chicagoland, building new roads or taking a two-lane road to a four-lane road is absolutely critical to some.

### **Q.** *Do you see any overriding challenges?*

Money. Never enough money. I think one of the key challenges, one of the things that the governor is trying to do, is prove to everybody that a dollar given to IDOT will be a dollar well spent anywhere in the state on any of our projects. Essentially, that infamous word "accountability" is the biggest challenge. [But] there never will be enough money to satisfy everyone's needs.

### **Q.** *How is it going, trying to get more money from the federal highway and transportation reauthorization?*

Working with the Illinois delegation — and it is something that I think a lot of people are not aware of — the Illinois delegation leads the country. They are absolutely 100 percent united. It's a good thing to have House Speaker [Dennis] Hastert [a Yorkville Republican] and Congressman [William] Lipinski [a Chicago Democrat]. I have been absolutely impressed at how unified they are. They will not put their own district's needs ahead of an adjacent district.

### **Q.** *So what is the likely outcome?*

There are a few programs that are out there. The Senate has passed a bill that is \$318 billion. The House introduced a bill at \$375 billion, but it hasn't been fully funded yet. President Bush's [\$256 billion] plan may be fiscally conservative, but for the state of Illinois it would reduce the amount of money going for roads and bridges. If that level [of funding] happens, the state of Illinois will end up in a strict maintenance mode. We will not deal with issues of congestion anywhere in the state. We will probably drop good projects where there's an expectation that they should and could be built. While I have to be careful and not be partisan, there will be more people out of work in the road construction industry.

Looking at it from the federal side, there are a lot of projects that would be in significant jeopardy under President Bush's plan.

**Q.** *You've had a varied background, from chief operating officer of Chicago schools to chief highway engineer and deputy commissioner at that city's transportation department.*

For more information about people see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



***How has your background prepared you for this job?***

This job has gotten me back into transportation, which is where I grew up and where I wanted to be in the beginning. This is the pre-eminent transportation job in Illinois. As a young pup, I never thought I'd be sitting in the chair I'm sitting in today. Back working for the city, [the experience] was being beaten up by the public. Trying to work together with various constituencies to relocate Lake Shore Drive without a lawsuit, I think was great. We had the engineers, and all they care about is traffic and safety, and we had the park advocates and the lake advocates, who wanted to have a slow, meandering parkway and you had the critics at McCormick Place and Soldier Field. Obviously, what was built was pretty darn good. CDOT basically taught me how to get beaten up by people.

***Q. What's your reading on how interested Gov. Blagojevich is in***

***transportation? Is he as committed to all this as you are?***

He's committed to the overall improvement of the state. And to the extent that transportation is a key component of that, absolutely. I can tell you that at all of the Opportunity Returns events he makes sure transportation is included. Does he live, breathe and eat transportation? No. I think he lives, breathes and eats education right now. There's only so much that he can do.

***Q. Gov. Blagojevich has tapped into road funds to the tune of \$317 million to fund the rest of the state budget. What was the consequence of that to IDOT?***

There have been diversions over the years. Purists will say gas tax money shall go for roads and nothing else. Well, money goes to the secretary of state so we can all get our driver's licenses. That's a road cost. Paying the Illinois State Police out of motor fuel tax is a necessity. □

**Audit questions payments to Schiller**

State schools Superintendent **Robert Schiller** failed to report on his Illinois economic interest statement nearly \$30,000 in severance pay from the last school district he headed.

A Louisiana legislative auditor's October report described as "improper" the \$29,732 severance package Schiller negotiated before leaving the Caddo Parish district to become Illinois' state superintendent in August 2002.

The deal enabled Schiller to draw two paychecks between August and the end of 2002. Auditors said payment for future services was not allowed under the Louisiana Constitution.

Louisiana prosecutors as of mid-March had not launched an investigation as recommended by the auditor's office. Schiller has denied wrongdoing.

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## LETTERS

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Your comments are welcome. Please keep them brief (250 words). We reserve the right to excerpt them.



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### Correction

*Illinois Issues* deeply regrets an error in the March issue referring to former Sen. John Maitland of Bloomington. The staff has the greatest respect for the senator. He has been a friend to the magazine from its inception and always generous with his time and expertise. We have the highest hopes for his full recovery.



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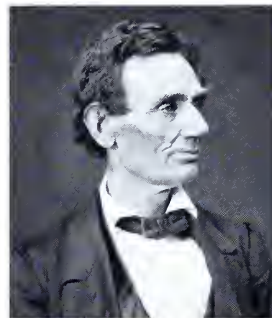
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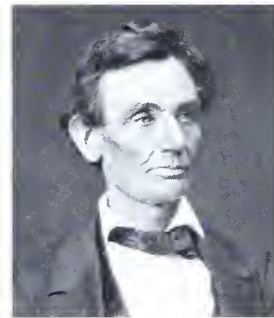
## State Historical Society offers rare Lincoln prints

Archive-quality prints of two of the best-known photographs of Abraham Lincoln are now available to the public through the Illinois State Historical Society. Chicago photographer Alexander Hesler took the formal portraits on June 3, 1860. Because of the size of the negatives (8 x 10 inches), they are among the most eloquent and revealing photographs of our greatest president. The original negatives are in the Smithsonian but are in shards. According to Christie's auction house in New



York, the Society's plates are apparently the sole surviving set.

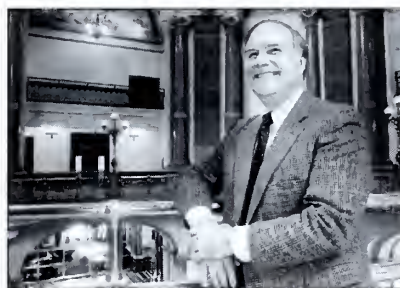
Matted prints of these portraits are \$150 apiece, plus tax (if applicable) and \$35 shipping and handling. They are also available in hand-crafted walnut frames for \$250 each, plus tax and \$45 shipping and



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Charles N. Wheeler III



## The measure to ban discrimination against gays is a simple matter of justice

by Charles N. Wheeler III

State Sen. Carol Ronen says she's "getting a little impatient," and who could blame her for being restless?

The Chicago Democrat is the lead sponsor of the so-called "gay rights" bill, legislation that would ban discrimination based on sexual orientation in connection with employment, real estate dealings, access to financial credit and availability of public accommodations.

Despite high hopes for its success in the wake of the Democratic takeover of the Senate in the 2002 election, the measure has been stuck in the Senate Rules Committee for almost a year while skittish lawmakers worry about the potential political fallout in November should they take a principled stand against bigotry.

Ronen would like to see the measure clear the Senate yet this spring, so the House could pass it in the fall, sending it to Gov. Rod Blagojevich for his promised signature. But she's having a hard time lining up the requisite 30 votes, even though the proposal has the support not only of the Democratic governor but also of state Treasurer Judy Baar Topinka, chairman of the state Republican Party, every other statewide elected official and a host of business, labor, educational and religious groups.

Winning approval for the proposal "should be easier than it is," Ronen believes. "It's a simple matter of justice."

---

*The legislation merely extends to gay individuals the same freedom from discrimination the state's Human Rights Act seeks to guarantee for those who might face bias based on race, religion, sex, national origin, age, marital status or several other conditions.*

Indeed it is. The proposal should not engender controversy. The legislation merely extends to gay individuals the same freedom from discrimination the state's Human Rights Act seeks to guarantee for those who might face bias based on race, religion, sex, national origin, age, marital status or several other conditions.

Similar legislation cleared the House three years ago, only to run into unwavering opposition from Senate President James "Pate" Philip of Wood Dale and his Republican majority that caused its sponsor to hold the bill in committee.

Proponents expected a happier fate with the change in Senate control. A Senate committee endorsed the measure some 14 months ago, sending

it to the full chamber for consideration. Since that auspicious beginning, though, proponents have been frustrated by a number of roadblocks that eventually forced the bill back into committee without a vote.

Some downstate Democrats got cold feet, concerned that a "yes" vote might not sit well with their more conservative constituents. Many Republicans, meanwhile, criticized the legislation as "special treatment" for gays, even though its first few lines specifically declare that the act requires no preferential treatment or affirmative action based on sexual orientation.

Others contended the measure would condone an immoral lifestyle, an argument that flies in the face of growing scientific evidence that one's sexual orientation is no more a choice than one's racial makeup.

Moreover, most of the bill's critics were only too happy a few years ago to pass legislation intended to protect motorcycle riders from discrimination in public places. One would be hard-pressed to argue that being a biker is less a lifestyle choice than being gay.

Other opponents warned of dire consequences should the measure become law. If discrimination based on sexual orientation were no longer permissible, they argued, churches would have to employ people whose openly gay lifestyles conflicted with their religious beliefs, school officials could not prohibit teachers from

cross-dressing and activities such as pedophilia and bestiality would be legitimized.

In fact, the Human Rights Act already allows churches and religious groups to make hiring decisions based on an employee's religious beliefs. The existing prohibition against gender discrimination, for example, has not forced the Roman Catholic Church to ordain women.

Responding to other misplaced concerns, the measure's proponents added language to clarify that employers could impose reasonable dress codes and to reassure worrywarts that pedophilia was not a sexual orientation.

The latest red herring threatening to sidetrack the proposal is the absurd contention that the measure somehow would lead to gay marriages. Reading the text should dispel that notion — banning discrimination based on sexual orientation in housing, employment and public places is hardly a green light for same-sex marriages, which, by the way, state law already

---

***Opinion polls consistently indicate public support for measures to protect gays from discrimination in employment, housing and public accommodations.***

forbids.

Perhaps the strongest antidote for the apocalyptic fears raised by opponents is the experience of other locales that have chosen to ban gay bias.

Fourteen states, including neighboring Wisconsin, have laws providing civil rights protections to gays, without any apparent calamitous effects. Even closer to home, at least 15 Illinois cities and Cook County have laws banning discrimination based on sexual orientation.

And what may come as a surprise to

some timorous downstate lawmakers, the towns aren't all up north. Springfield, for example, enacted a ban on gay discrimination more than a year ago, and so far the Capital City has not become Sodom on the Sangamon. So has Decatur, hardly a hotbed of social radicalism. Indeed, the most recent Illinois city to adopt a gay rights ordinance is Peoria, quintessential Middle America.

Opinion polls consistently indicate public support for measures to protect gays from discrimination in employment, housing and public accommodations. "People in general support the idea," Ronen notes. "It's time the legislature caught up with the general public."

The senator is correct. Wobbly-kneed lawmakers in both parties should find the courage to reject discrimination based on sexual orientation. It's a simple matter of equal rights for all Illinoisans, a concept long overdue. □

*Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.*

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